

ARS TOPICA

The Classical Technique of
Constructing Arguments from
Aristotle to Cicero

Sara Rubinelli

 Springer

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**The Classical Technique
of Constructing Arguments
from Aristotle to Cicero**

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Introduction by David S. Levene



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To Hans B. Gottschalk and Peter J. Schulz

*«I was afraid my soul would be blinded if I looked
at things with my eyes and tried to grasp them
with any of my senses. So I thought I must
have recourse to conceptions and examine
in them the truth of realities.»*

(Plato's Phaedo 99e)

Preface

1. Why I Wrote This Book

From the time of Perelman and Olbrechts-Tyteca (1958) onwards, argument schemes have been a major concern of argumentation theory. By ‘argument schemes’ I mean the principles that reveal the internal organization of arguments, and on which speakers rely in defending a standpoint at issue by means of certain premises. Argument schemes are praised for their analytical, evaluative and normative roles.

As I illustrate in this book, the concept of argument scheme goes back to the ancient world. It was first systematised in the Greek context by Aristotle and subsequently presented to the Roman public as an aid to argumentation by Cicero. Aristotle called an argument scheme a *topos* (the Greek τόπος, plural: *topoi*, in Greek τόποι) which corresponds to the Latin *locus* (plural: *loci*), and developed a system of *topoi* based around them. About 300 years later, Cicero proposed a system of *loci* which was explicitly linked to Aristotle’s.

There are many more or less recent works on the concept of *topos*¹ in Aristotle and Cicero, and there are also a few essays that underline the link between *topoi* and argument schemes.² Some of these works are written with great clarity, rigor, intelligence and scholarship. What then is my excuse for adding another study to this glut? The answer is straightforward. Despite this extensive research, the nature, use and meaning of *topos* within the classical tradition – above all the works of Aristotle and Cicero on the subject – have not previously been properly understood. This not only has consequences for our understanding of the concept historically but also prevents us from exploiting fully the *topos*-system for modern theory of argumentation.

The systematic study of *topoi* has been pioneered by Aristotle and Cicero. These two authors configured *topoi* in a way that influenced the subsequent tradition. Cicero’s work on *topoi*, as I show in this book, can only be grasped in juxtaposition with that of Aristotle; Cicero was then the starting point on which Boethius built his work on *topoi*. Boethius, in his turn, is the author on whom medieval discussions

¹ For reason of brevity, when I generally refer to *topoi* and *loci* I shall only use the terms *topos/topoi*.

² Relevant scholarly literature will be discussed in the subsequent chapters.

of *topoi* depend. Again, as Professor Levene discusses in the Introduction, in antiquity the *topos*-system grew out of an interest in creating a theory of argumentation which could stand between the rigour of formal logic and the emotive potential of rhetoric. But this system went through a series of developments and transformations; these are of considerable interest not only for historians, but also for modern argumentation theory, where the concept of informal argumentation plays a crucial role, with a particular focus on the interplay between the separate aims of rhetorical effectiveness (persuasiveness) and that of maintaining dialectical standards (critical reasonableness).

This book thus has three objectives. First, it presents a comprehensive treatment of Aristotle's and Cicero's methods of *topoi*, with an interpretation which is both philosophically articulated and grounded in its proper historical context. Second, the book lays the ground for evaluating the relevance of the method of *topoi* to modern research on arguments. It goes without saying that this book has also a third, more didactic objective. In following the growth and development of *topoi* in Aristotle and Cicero, I tackled the topic from scratch and attempted to interpret Aristotle and Cicero's original motivation for creating the *topoi*-system within the framework of their theories of argumentation. Readers might thus find an introduction to classical theory of argumentation, with a focus on its most important theoretical achievements.

I can state all of these aims at once by saying that I have tried to write the book that I wish I had read when I first began to think about *topoi*. And writing this book led to more than I initially expected of just about everything – more time, more difficulties, but also more rewards, more fun, and a greater appreciation for the advances made in understanding the complex and challenging process by which argumentation theory has grown and developed so far.

2. Into the Contents of the Book

Let us now enter into the more technical aspects of this book. What is it that makes our understanding of Cicero and Aristotle still problematic? This question can be summarised in the following terms. Aristotle developed a set of about 300 *topoi* in the *Topics* and discussed *topoi* in the *Rhetoric*, but he never defined exactly what a *topos* is. As one might expect, this lack of a clear definition of such a fundamental point had serious implications for a coherent comprehension of the term as used by him. Ancient commentators on the *Topics* and the *Rhetoric* did not help to elucidate the meaning of an Aristotelian *topos*. As a result, while modern scholars have made significant contributions to our understanding of the *Topics* generally, there are still essential characteristics of the concept of *topos* in the treatise that have not been fully comprehended. These, however, cannot be properly grasped if one focuses only on the *Topics*. The fact is that Aristotle discusses *topoi* also in his *Rhetoric*. But the situation in that work is even more complex. In introducing the method of *topoi* in rhetoric, Aristotle refers to the *topoi* of the *Topics*; but scholars have identified two kinds of *topoi* here without agreeing as to their nature and function. In addition,

Aristotle presents a list of 29 *topoi* in *Rhetoric* B 23. This list is not a selection of the *topoi* of the *Topics*; but it has not been clear what this list contains, nor how it relates either to previous sections of the *Rhetoric* or indeed to the *Topics*.

In the Peripatos after Aristotle, Theophrastus (370–285 BC) and Strato (240–268 BC) had an interest in *topoi*. However, there is nothing left of Strato's writings, and Theophrastus does not seem to have made any major change to this part of Aristotle's thought. As for the Stoics, there is no evidence that they took any interest in *topoi*. It is only with Cicero that Aristotle's *topoi* enjoyed a revival that lasted until the Renaissance. Cicero speaks of *topoi* for the first time in his early treatise *De Inventione*. But there we find the term used with several meanings (and not simply as argument schemes) that, I have already demonstrated elsewhere (Rubinelli 2006), require contextualisation. It is in *De Oratore* and then in the *Topica* where Cicero emphasises the importance of Aristotle's *topoi*, and discusses a list of *loci* that he explicitly traces back to Aristotle. On the face of things, however, Cicero's list does not directly derive from either Aristotle's *Topics* or his *Rhetoric*. Scholars have attempted to understand the relationship between Aristotle's *topoi* and what Cicero considers to be Aristotle's *topoi*, but, as I show in Chapter 4, they have not yet succeeded.

It is these questions that the book aims to answer. It is structured in four chapters.

Chapter 1

This chapter aims to clarify Aristotle's method of *topoi* as it is presented in the *Topics*. The first task is to explain for what purpose Aristotle first developed the method. Here I shall address the nature of the ancient dialectical debates – or argument competitions – that represent the historical context for the design of the method. The next step is to analyse the nature and function of the *topoi* themselves, starting from an explanation of the four *predicables* underlying the system's design (*accident*, *genus*, *property* and *definition*) and continuing with an analysis of the structure of a *topos*, and the use of the factual contents (the *protaseis* or premises) for its application. Special attention will be given to those aspects of the *Topics* that seem to have been most neglected by scholars.

Chapter 2

Following a claim which Aristotle makes in *Topics* A 2, 101a 25 – 101b 4, this chapter will assess the practical use Aristotle makes of *topoi*. After an introductory analysis of the role that *topoi* play in the dialectical investigation of scientific matters, it will be shown how Aristotle uses *topoi* in selected passages of the *Nichomachean Ethics* and the *Physics* to establish major starting points for the development of his doctrine. Next, prominent attention will be paid to the method of *topoi* as set out in Aristotle's *Rhetoric*. First I shall address why and how Aristotle introduces the

topoi of the *Topics* into the *Rhetoric*, and how orators can use them to plead their cases. This analysis will resolve the controversial issue of the relationship between *topoi* and *idia*, as introduced in *Rhetoric* A 2, 1358a ff.; it will also enable a broader understanding of the link between rhetoric and dialectic in the Aristotelian system. In the second part of the chapter, the focus will shift to the list of *topoi* that Aristotle introduces in *Rhetoric* B 23. The nature and role of this list in the treatise is recognised as far from clear. Scholars acknowledge the apparent inconsistency with the previous section of the *Rhetoric*, but no progress has been made in explaining the extent of the difference and finding its connection with the previous sections. All these issues are dealt with in this chapter, which concludes by proposing a solution to the problems on the basis of philological and contextual remarks.

Chapter 3

In Chapter 3, having first introduced the figure of Cicero within his historical and theoretical context – with an emphasis on Cicero as orator – I will analyse the text where he first discusses the concept of *locus*, namely *De Inventione*. Having first given an introductory overview of Cicero's theory of argumentation in the treatise, the analysis will show how in *De Inventione* Cicero uses the term *locus* with different more or less technical senses ranging from 'topic or theme', 'subject matter indicator', 'argument-scheme', 'argument' and '*locus communis*'. These different usages of *locus* will be explained on the basis of examples quoted by Cicero himself or extrapolated from his speeches.

Chapter 4

In Chapter 4, my emphasis will be on the treatises where Cicero highlights the importance of two lists of *loci* he explicitly attributes to Aristotle, namely *De Oratore* and *Topica*. As I have already mentioned, a cursory glance at Cicero's lists suggests that, on the face of it, Cicero's *loci* are a direct account of neither Aristotle's *topoi* in the *Topics*, nor of those in the *Rhetoric*. The current scholarly consensus is that behind Cicero's lists of *loci* there is a late Hellenistic source containing echoes of Academic, Peripatetic and Stoic material. Antiochus of Ascalon, the Stoic Diodotus and Philo of Larissa have been mentioned as possible sources, but there is no evidence that any of these ancient philosophers had ever worked on *topoi*. Likewise attempts to clarify the relationship between Aristotle's *topoi* and Cicero's *loci* have produced disparate interpretations. In accordance with the framework set out above, in this chapter I will present Cicero's lists in their respective contexts. The analysis will then focus on the nature and provenance of the *loci* which Cicero traces back to Aristotle, juxtaposing Cicero's *topoi* with those of Aristotle. By drawing on the main findings of the previous chapters, this chapter will demonstrate the Aristotelian paternity of Cicero's lists, and that Cicero's system of *topoi* can be properly understood if interpreted in the light of Aristotle.

I conclude with two final remarks. The analysis presented in the following chapters is based on close readings of the texts of Aristotle and Cicero. Standard English translations are used for all the Greek and Latin passages cited. Also, since the main arguments of this work are new, marking every point of disagreement with past scholarship would be burdensome to the reader; I have generally confined my comments to discussions of the most important works on the subject. Readers may however find an exhaustive guide to research in the extensive bibliography provided by Kienpointner (1992), Slomkowski (1997) and more recently by Garssen (2001), Reinhardt (2003) and Zompetti (2006).

Acknowledgments

My interest in *topoi* was first kindled when I wrote my undergraduate dissertation on Aristotle's *Topics* at the Catholic University of Milan. Then I was captivated by the complexity of the subject and wanted to understand and clarify it further. This book is the culmination of doctoral and postdoctoral research on *topoi* I conducted at the School of Classics of the University of Leeds and at the Faculty of Communication Sciences of the University of Lugano.

I owe special thanks to my PhD supervisor, Hans B. Gottschalk – who sadly died in 2003 – and to Peter J. Schulz with whom I have been working in Lugano since 2002. Their seriousness and intellectual honesty, as well as their incisive and perceptive criticism, have been a constant challenge and inspiration. This book is dedicated to Hans and Peter to thank them for being the persons from whom I have learnt most in my academic education.

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something more important. They have, that is, let it go and even encouraged my devotion to my research. I recognise what it has often cost them, and I do not know how to give them thanks.

University of Lugano
October, 2008

S. Rubinelli

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Introduction: *Topoi* in Their Rhetorical Context

Among the most enduring intellectual legacies of the ancient world is the development of formal logic. Aristotle's system of logic, as set out above all in the *Prior Analytics*, established a method for formally analysing the validity of arguments which dominated the intellectual field until the 19th century. More recently its limitations have been recognised, and other systems of formal logical analysis have been developed, but some of these themselves have been shown to have roots in antiquity, notably in the Stoic system of propositional logic.

Formal logic has, however, well-known practical limitations. While it is an essential tool for close philosophical analysis, it is rare in ordinary discourse that a matter of controversy turns on a question that can be resolved through formal logical reasoning. It is therefore unsurprising that among the ancients themselves the systems of formal logic set out by the philosophers rarely appear to have had a great deal of impact: few writers beyond those who are themselves specifically writing on logic show any awareness of the logical systems of the philosophers.

An entirely different area in which the ancient world has had a vast cultural impact is on rhetoric. Oral persuasion played a substantial role from the earliest days of historical Greece and Rome: its influence was especially pervasive in political contexts (such as democratic Athens or Republican Rome) where the ability to persuade a wide audience was the key to achieving one's desired political ends, but even under the autocracy of the Roman empire rhetoric flourished in the courtroom as well as for purposes of political display, with, for example, orators making grand speeches on public occasions in praise of emperors or celebrating cities. Rhetoric accordingly stood at the centre of the ancient educational curriculum, and a large body of theoretical and teaching materials grew up around it. Many of these have survived, as have many of the speeches and other works in which the precepts of the theorists were put into practice; and these too had a tremendous influence on later generations.

Rhetoric, however, was not uncontroversial. The ability to persuade through speech regularly raised anxieties, especially in the earlier development of the discipline, that audiences could be persuaded to unacceptable conclusions by the application of emotive devices or specious reasoning. And indeed rhetorical theorists and practitioners laid a good deal of stress on emotion and on ways in which it could be aroused in an audience so as to encourage the hearers to accept one's

case. But rhetoric had a place for argument as well, and not necessarily bad argument – because, as Aristotle observes (*Rhetoric* A 1, 1355a20–23: see below, 51), other things being equal one would expect a good argument to be more persuasive than a bad one, for all that the art of rhetoric as it developed in practice also provided devices for making effective use of bad arguments should good ones prove inadequate. Yet it is clear that these good arguments are rarely going to be the rigorous deductive ones of formal logic, which are too narrowly focused to have a place in the practical issues in which an orator will be interested.

It is that gap, between the rigour of formal logic and the emotive potential of rhetoric, that the ancient theories of *topoi* were developed to fill. They provide an informal theory of argument which, while not possessing the formal deductive validity of (for example) the Aristotelian or Stoic syllogism, offers a set of flexible schemata which can be used in a wide variety of practical contexts. They provide for the speaker arguments which may not always be valid in the strictest formal sense, but which will draw conclusions from premises, conclusions that are likely to follow in most cases, and so are rightly persuasive even if not without exceptions. A good example is *a fortiori* reasoning: if I defend a man against a charge of stealing of a small amount of money by observing that he passed up the opportunity to steal a larger amount, this does not demonstrate incontrovertibly that such a person *could not* have stolen the small amount, but it provides a valid reason for thinking that he is *unlikely* to have done so. Such a theory of argument is, however, rarely recognised as a distinctive system (despite the existence of books by Aristotle and Cicero devoted to it): one of the important consequences of Dr Rubinelli's book is to restore it to its rightful place.

But it is a consequence of the intermediate place occupied by *topos*-theory within ancient systems of argument that the ancients' own understanding of *topoi* and the role which they saw them as playing within broader systems of discourse, were highly fluid. Here Dr Rubinelli's demonstration of the different types of argument that the ancients subsumed under the heading of *topoi* in different contexts, the roles that they play in different works, and the often complex relationship between different thinkers on the subject, is a remarkable and invaluable contribution to our understanding. Aristotle's *Topics*, our earliest, fullest and most systematic account of *topoi*, is not primarily focused on rhetoric at all, but on dialectical argumentation as a philosophical exercise. It is not surprising, therefore, that it is the clearest and most focused of all, as Dr Rubinelli shows, in establishing the *topos* as an 'argument scheme', as an abstract place-holder for arguments into which content of any sort can be inserted. This has the immense advantage of logical clarity; however, when the system is transferred to rhetorical contexts other considerations enter in. The fine distinctions required to generate the 300 or so argument schemes of the *Topics* are manifestly less likely to be of practical use for an aspiring orator who has to keep control of many features of a speech, not merely the logical one, nor is it essential for such an orator to be able to categorise *topoi* according to Aristotelian distinctions between class and species, essence and accident. Understandably, therefore, rhetorical writers handle the concept of *topoi* rather differently from the way Aristotle does in the *Topics*.

Indeed, this fluidity can be seen in Aristotle's own *Rhetoric*. As Dr Rubinelli emphasises, it would be a mistake to regard Aristotle as less focused on accurate reasoning in this work than he was in the *Topics*. On the contrary, perhaps the most striking and distinctive feature of Aristotle's *Rhetoric*, by comparison with any other systematic rhetorical treatise of the ancient world, is the central place given to persuasion through rational argumentation. But the *Rhetoric* as we have it is not wholly consistent: in particular the list of *topoi* in B 23 seems to introduce types of argument and considerations which are not compatible with the concept of the *topos* that Aristotle developed in the *Topics* and uses elsewhere in the *Rhetoric*, and Dr Rubinelli argues that this chapter of the *Rhetoric* did not originally stand in that treatise, but was incorporated from elsewhere either by Aristotle himself or by a later follower. If one is considering the broader cultural role of *topos*-theory, the identity of the person who imported the chapter is less significant than the fact that it was felt of importance to do at all: it strongly suggests that the more abstract considerations of argument-theory found in the rest of the *Rhetoric* were felt to be in need of supplementing with, for example, forms of argument specifically focused on the needs of orators, even at the cost of potential dissonance with the work as a whole. It is clear that the concept of *topos* – the informally valid argument – existed independently of and indeed predated Aristotle, and, naturally enough, was elaborated in different directions and without the philosophical systematisation that he offers.

In post-Aristotelian theory the term *topos* (or its Latin term *locus*) is, moreover, sometimes attached to quite a different idea: the 'ready-made arguments' which certain rhetoricians provided to be used on either side of particular disputes. So, for example, if a case turns on evidence given under torture, it was possible to read theorists who would provide specific arguments for and against the validity of torture, arguments that could be recycled whenever the issue emerged (e.g. *Rhetorica ad Herennium* 2,10). This is obviously far removed intellectually from the universal schemes for generating arguments that is at the heart of the Aristotelian approach (indeed, it is very close to the approaches of the rhetorical theorists whom Aristotle criticised at *Sophistic Refutations* 34, 183b36ff.), but it is recognisably part of the same general conceptual world in which the Aristotelian theory was being reconstructed to suit the practical needs of rhetoric. *Rhetoric* B 23 provides not only *topoi* in the strict Aristotelian sense, but also specific rhetorical strategies such as alleging motives: it is not a great leap from that to providing actual examples which can be used for specific occasions. The one unfortunate thing is that in contemporary literary scholarship the term *topos* has come to be used almost exclusively to refer to these 'ready-made arguments', or by extension to any theme or idea that has become a commonplace through repeated use: this has led to misunderstandings of the term when it is used in its Aristotelian sense and, more damagingly, to a tendency to underestimate the role of rational argument in ancient rhetoric, in which the Aristotelian *topos* and its development, above all through Cicero, plays so large a part.

This is not to say that the role of rational argument in oratory was uncontroversial in antiquity. Quintilian in Book 5 of *Institutio Oratoria* gives an extended account of proof in rhetoric, drawing directly on both Aristotelian and Ciceronian

material: he specifically discusses *loci* as argument schemes in a manner comparable to theirs (5.10.20-99), and differentiates them explicitly from the mere retailing of ready-made arguments (5.10.20). Yet he concludes his discussion with a lengthy critique of the whole concept: while he accepts the broad usefulness of *topoi*, he claims that an attempt to categorise them too rigidly is a doomed enterprise in theory, and one that is likely to provide confusion rather than clarification for students in practice (5.10.100-125). Whether this critique is valid for the theory of *topoi* as elaborated either in Aristotle or in Cicero is a more complex question that I shall leave open here; the interesting point is that Quintilian, as a practical teacher of rhetoric, felt that while informing students of the theory, it was necessary to warn them against too rigid an application of it. Likewise he concludes the entire book with a warning against those who would give too high a place to rational proof in general: a speech consisting of rational argument, he suggests, is ill-suited to the majority of audiences, and the arguments need to be leavened or indeed replaced by devices to charm and move the hearers, as indeed great orators, he says, have done across the ages (5.14.29-32; cf. 5.13.56).

Is it possible, then, to tell how much impact the *topos*-schemes of Aristotle and Cicero, and their later developments in other writers, had in practice on ancient culture, on ancient techniques of argument and thought? Were they (or other works like them) read and employed for practical ends, or did speakers take strictures such as those of Quintilian to heart, relegating the techniques of rational argument such as the *topoi* represent to a secondary role in the grand scheme of speech-construction? One piece of evidence for their continuing relevance is the very position that they have in Quintilian. He, as I said, allots a large section of his work to a detailed account of his own version of *topos*-theory. He is not so generous with all aspects of rational argument: the *enthymeme*, which Aristotle called the ‘body of persuasion’ (*Rhetoric* A 1, 1354a15 σῶμα τῆς πίστεως), Quintilian relegates to the end of his discussion (5.14.1-26),¹ and it becomes the primary target of his criticisms of rational persuasion as a mode of oratory (though, interestingly, he is later prepared to countenance it as an ornament with no particular argumentative function (8.5.10)). *Topoi* not only receive a fuller account, but the very elaborate critique which he appends to them appears to attest to the danger that he sees of students being seduced into regarding them as more powerful a tool than they actually are. He offers a detailed demonstration of what he claims to be the problems with them: he does not merely dismiss them.

But beyond this, we can see indirect evidence in the speeches themselves for the continuing importance of *topoi* in rhetorical practice. The mere fact that ancient speakers repeatedly use arguments which are capable of being characterised in terms of Aristotelian or Ciceronian *topoi* is not of course sufficient to demonstrate that they have studied or read *topos*-theory, because the argument-forms in *topoi* are in many cases intuitively obvious, and are capable of being derived and employed even by someone unacquainted with the theoretical background. Aristotle and

¹ Quintilian’s definition of the *enthymeme* is more restrictive than Aristotle’s: but in this passage he also discusses (and dismisses) arguments which Aristotle would have categorised as *enthymemes* even though Quintilian himself does not.

Cicero systematised arguments that already existed, as Dr Rubinelli demonstrates by her analysis of *topos*-forms in Plato's *Laches*, a work which predates Aristotle's treatise by some years. But the imperial practice of declamation provides additional evidence for the continuing relevance of *topoi*. Declamations were the standard exercise by which students were trained to take on oratorical cases, and they were also used for showpieces by professional orators and teachers. While they were sometimes condemned in antiquity for artificiality and sterility, a condemnation which has all too often been unreflectingly taken over by scholars, their continuing use in education reflected their practical value, a value specifically related to their ability to train aspiring orators in arguing cases.

That value does not, naturally, arise from the strange and artificial points that are ostensibly at issue in the declamations, with their stepmothers, tyrannicides and pirates, their stories of sons disinherited in unlikely circumstances or of ingenious ways of punishing rapists and adulterers, all of which gave an easy handle to the critics of their unreality. But though they sound bizarre to those encountering them for the first time, they had an integral and intensely practical role in rhetorical culture. Good declamatory themes were carefully designed to offer opportunities for arguments on both sides of each case, and the attention paid to them in education was to allow aspiring orators to be taught to identify the type of issues at stake in a case, and to be able to generate the sorts of arguments appropriate to each. This was treated primarily in terms of the 'issue-theory' devised by Hellenistic rhetorical theorists, especially Hermagoras of Temnos, which categorised the different issues that a case might involve, and offered strategies for dealing with them. While a declamatory theme could of course be elaborated in many ways, with emotive appeals as well as rational ones (as many surviving declamations clearly illustrate), the core of the theoretical analysis was conceived in terms of the rational arguments that could be offered on either side. Issue-theory defined those in relatively broad-brush ways; but those broad-brush strategies needed to be articulated with more specific arguments. It is clear from our sources that *topos*-theory, at least in its later incarnations, was thought to form a natural corollary to issue-theory, providing individual points that would elaborate on the general considerations: indeed, in some cases the two theoretical approaches were so closely tied together as to be barely distinguishable. So, for example, one of the 'issues' was that of 'definition', where the case turned (or could be made to turn) on the correct definition of the disputed act. Clearly in order to present this case appropriately one would need to have mastered the details of how to argue about correct definitions: and that is supplied by one of the standard *topoi*, the *topos* of definition which appears in both Aristotle (*Topics* B 4, 111b 12-16, *Rhetoric* B 23, 1398a 15-28) and Cicero (*De Oratore* 2, 164-5; *Topica* 9). That connection is made directly by Quintilian in his discussion of issue-theory (7.3.3, 7.3.27; cf. 7.3.25); conversely Quintilian in his categorisation of *topoi* repeatedly indicates the issues to which they are primarily related (e.g. 5.10.64, 5.10.87-9). Issue-theory and *topoi* are likewise linked by Cicero at *Topica* 87-90 (cf. 79), as well as in an admittedly difficult passage of the rhetorical treatise known as the Anonymous Seguerianus (170).

Hence *topos*-theory was not simply a concern of a minority of abstruse theorists: it formed part of the armoury with which all students of rhetoric were equipped over years of study, which they were expected to assimilate in order that they could use them in practical argument. The general focus of the educational curriculum was on the courtroom, but it is clear from the frequency with which prescribed rhetorical devices appear in all forms of ancient writing that rhetorical education held a central place in ancient thinking, and its approaches became second nature to anyone who had been through the educational system. This is why a clear analysis of the nature of *topoi* in different theorists, such as Dr Rubinelli offers, is not an arid exercise in categorising an obscure and forgotten dead-end in argument-theory, but an essential prerequisite if we are to understand the place that rational argument found in ancient culture. Rhetoric was itself a flexible tool, of course, and *topos*-theory went through many variations that matched that flexibility, as I described above – it is not simply a systematic way of generating dialectical arguments within certain narrowly conceived intellectual institutions, in the way that Aristotle seems to have conceived of it when writing the *Topics*.

The rigorous Aristotelian pole of *topos*-theory was never forgotten, as is shown not only by its citation in various writers, but also by the early third-century commentary on the *Topics* by Alexander of Aphrodisias. On the other hand, Cicero's *Topica* shows the practical value that a slightly looser version of the theory could be put to, since that work, as Dr Rubinelli discusses, repeatedly takes its examples from and applies itself to legal reasoning. This may partly be explained by the fact that the *Topica* is addressed to the jurisconsult Gaius Trebatius, but it is also likely that Cicero saw Roman law as an area that would especially benefit from the type of rational analysis that *topos*-theory provided. At this point in Roman history there was still a relatively small body of statute-law, nor had there as yet developed a wide body of legal rulings such as we later find attributed to the jurists of the Empire, in which all sorts of cases, including ones that might appear rare or abstruse, received detailed consideration. In the *Topics*, Cicero offers jurists a way of extending Roman law in a manner that will apply it to new areas and complex or marginal issues, while still commanding broad assent; he does this via *topos*-theory, with its systematic and rationally acceptable way of generating conclusions that are accepted as valid given certain agreed premises. And in this respect Cicero provides a model not only for his own day, but also for ours: making practical use of a systematic theory of argument. In our ancient texts the specific examples may appear removed from modern concerns, but the fundamentals of the theory are sufficiently abstract to remain valid in any context in which informally valid reasoning can or should hold sway.

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Part I
The Creation of the Method of *Topoi*
and Its Characteristics

Chapter 1

Aristotle's *Topics*

1.1 The Dialectical Debates

The *Topics* contain a method that Aristotle designed in the first years of his career (about 360–350 BC) to enable students to engage in dialectical debates. A dialectical debate was a kind of game-competition played out and probably institutionalised in the Academy founded by Plato. It involved two disputants performing the roles of questioner (ὁ ἐρωτῶν) and respondent (ὁ ἀποκρινόμενος) who would argue over a *problem* (τὸ πρόβλημα) of the form ‘Is P the case, or not’ (πότερον [...] ἢ οὐ;) where P stands for a proposition. A problem could be, for example, ‘Is pleasure good, or not?’ (*Topics* Δ 1, 120b 19).¹

As Aristotle polemically remarks in a passage of the *Sophistic Refutations*, in his time instruction proceeded through practice rather than by recourse to theory or precepts about the practice of argumentation. Students were taught empirically how to argue. More specifically, they had to learn speeches by heart:

«For the training given by the paid teachers of contentious arguments resembled the system of Gorgias. For some of them gave their pupils to learn by heart speeches which were either rhetorical or consisted of questions and answers (λόγους γὰρ οἱ μὲν ῥητορικοὺς οἱ δὲ ἐρωτητικοὺς ἐδίδουσαν ἐκμανθάνειν), in which both sides thought that the rival arguments were for the most part included.» (*Sophistic Refutations* 34, 183b 36–184a 1)²

But, following Aristotle's analogy, this would simply provide students with a selection of ‘pairs of shoes’, rather than with an art of remedying foot problems:

«Hence the teaching which they gave to their pupils was rapid but unsystematic (ταχέια μὲν ἄτεχνος δ' ἦν ἡ διδασκαλία), for they conceived that they could train their pupils by imparting to them not an art but the results of an art (οὐ γὰρ τέχνη ἀλλὰ τὰ ἀπὸ τῆς τέχνης διδόντες παιδεύειν ὑπελάμβανον), just as if one should claim to be about to communicate knowledge for the prevention of pain in the feet and then were not to teach the cobbler's art and the means of providing suitable foot-gear, but were to offer a selection of various kinds

¹ See in particular Moraux (1968), Ryle (1968), Zadro (1974, 54–60) and Slomkowski (1997, 9–42).

² Text after Ross (1958), translation by Forster (1955).

of shoes; for he has helped to supply his need but has not imparted an art to him.» (*Sophistic Refutations* 34, 184a 2–8)

After labouring a long time at tentative researches (*Sophistic Refutations* 34, 184b 2–3) Aristotle came up with the *Topics*.

In order to understand how the method of argumentation by means of *topoi* was developed, let us first examine the object of a dialectical debate by enquiring into the nature of a dialectical *problem*. Aristotle devoted a section of the *Topics* to explain the term. A *problem*, by definition, is:

«an investigation (θεώρημα) leading either to choice and avoidance (πρὸς αἵρεσιν καὶ φυγὴν) or to truth and knowledge (πρὸς ἀλήθειαν καὶ γνῶσιν), either by itself or as an aid to the solution of some other such *problem*.» (*Topics* A 11, 104b 1–3)³

Thus a *problem* which is useful for the sake of choice or avoidance will be, for example, ‘Whether pleasure is worthy of choice or not’ (πότερον ἡ ἡδονὴ αἰρετὸν ἢ οὐ), while among the *problems* instantiated for the sake of knowledge we find examples such as ‘Whether the universe is eternal or not’ (πότερον ὁ κόσμος αἰδῖος ἢ οὐ). We can then have *problems* which are not useful in themselves but for the solution of something similar (πρὸς οὐδέτερα τούτων) or for obtaining knowledge of something else (ὅπως διὰ τούτων ἄλλο τι γνωρίσωμεν), for example the just mentioned *problem* about ‘pleasure’, to obtain knowledge on how to act in particular situations (*Topics* A 11, 104b 6–17). Finally, there is a *problem* when people disagree on the basis of strong arguments on both sides (διὰ τὸ περὶ ἀμφοτέρων εἶναι λόγους πιθανούς) and when, on the contrary, questions are so vast that people have no arguments to offer (καὶ περὶ ὧν λόγον μὴ ἔχομεν).

The most important characteristic of a *problem* consists in its being on a controversial issue. As we read:

«Its subject is something about which either men have no opinion either way (οὐδετέρως δοξάζουσιν), or most people hold an opinion contrary to that of the wise (ἐναντίως οἱ πολλοὶ τοῖς σοφοῖς), or the wise contrary to that of most people (οἱ σοφοὶ τοῖς πολλοῖς), or about which members of each of these classes disagree among themselves (ἐκάτεροι αὐτοὶ ἑαυτοῖς).» (*Topics* A 11, 104b 3–5)

A *problem* arises with subjects on which people hold no opinion at all, or which give rise to a difference or even conflict of opinions and, for this reason, require examination. Thus the question of ‘Whether or not water in normal conditions boils at 100 degrees’ is not a *problem* worthy of examination, because this is something about which people normally would not disagree. Nor is the question of ‘Whether or not parents ought to be loved’, because those who doubt this, Aristotle remarks, deserve castigation rather than an answer (*Topics* A 11, 105a 5–7). In terms of its contents, Aristotle gives a classification that will become standard in the Hellenistic Age, where *problems* are distinguished as (a) ethical (ἠθικοί), for example

³ For Aristotle's *Topics* Books A–Δ text after Brunschwig (1967), for Books E–Θ text after Ross (1958); translation by Forster (1960). See also Brunschwig (2007).

‘Should one rather obey parents or the laws, if they are at variance?’ (πότερον δεῖ τοῖς γονεῦσι μᾶλλον ἢ τοῖς νόμοις πειθαρχεῖν, ἐὰν διαφωνῶσιν); (b) logical (λογικοί), such as ‘Is knowledge of contraries the same or not?’ (πότερον τῶν ἐναντίων ἡ αὐτὴ ἐπιστήμη ἢ οὐ); and (c) physical (φυσικοί) such as the one presented above on the eternal nature of the universe (*Topics* A 14, 105b 19–25).

Finally, in term of its form, a *problem* is stated in a way so that the respondent can answer it simply by ‘yes’ or ‘no’. In this light, questions such as ‘What is pleasure?’ or ‘In what ways can man reach happiness?’ are not permitted in the game.

In a dialectical debate the discussion is started by the questioner that poses a *problem* to the respondent. Depending on which alternative he chooses, the questioner – who has the most important role in the debate – has to take the other one. His task becomes that of refuting the respondent’s thesis by leading him to state the most unacceptable of the consequences made necessary as a result of the thesis he holds. In Aristotelian terms:

«The function of the questioner is so to direct the discussion as to make the respondent give the most paradoxical replies that necessarily result because of the thesis (ὥστε ποιῆσαι τὸν ἀποκρινόμενον τὰ ἀδοξότατα λέγειν τῶν διὰ τὴν θέσιν ἀναγκαίων).» (*Topics* Θ 3, 159a 18–20)

To do so, the questioner asks the respondent another question in the form of a proposition also requiring a ‘yes’ or ‘no’ answer. Depending again on the answer, the questioner concludes by proving the contradictory nature of the respondent’s thesis. In this setting, the questioner has two precise tasks:

1. If the respondent says ‘yes’ and puts forward proposition *p*, the questioner has to *destroy* (ἀνασκευάζειν/ ἀναπρῆν) *p*. To do so, he has to find a proposition *q* that on the one hand represents a necessary implication of *p*, but the content of which on the other hand is unacceptable to the respondent. Rejecting *q* leads to the destruction of *p*.
2. If the respondent answers ‘no’ and puts forward proposition $\neg p$, the questioner has to *establish* (κατασκευάζειν) *p*. To do so, he has to find a proposition *q* that on the one hand represents a sufficient presupposition for *q*, but the content of which on the other hand the respondent is obliged to accept. The acceptance leads to the establishment of *p*.

It appears that the difficulty for the questioner is to be able to find propositions which represent necessary implications of the thesis held by the respondent, or else contradict the respondent’s thesis, and which the respondent will respectively refute or accept.

As for the questioner, his role is not restricted to saying only ‘yes’ or ‘no’. Generally speaking, the task of the answerer, as stated in *Topics* Θ 4, 159a 15ff., is to make it seem that the paradoxical is not his fault but is due to the thesis. If he does not understand something, he is allowed to say ‘I don’t understand’ (οὐ μυνθάνω),⁴ and

⁴ *Topics* Θ 6, 160a 19.

if the question has more than one meaning, he can ask for a clarification, or remark that it has several meanings and that in one meaning it is false and in the other true (ἐάν δ' ἐπὶ τὶ μὲν ψεῦδος ἢ ἐπὶ τὶ δ' ἀληθές, ἐπισημαντέον ὅτι πλεοναχῶς λέγεται καὶ ὅτι τὸ μὲν ψεῦδος τὸ δ' ἀληθές).⁵ Also, if the respondent has granted all the particulars but refuses to admit the universal, the questioner is justified in demanding an objection (*Topics* Θ 2, 157a 34–35).

A dialectical disputation can end in different ways. The questioner may have all his premises granted, and so succeed in establishing the conclusion; or the respondent could destroy the questioner's argument by objecting something that could not be refuted. Or the questioner may not be able to establish the thesis in a certain period of time. But on this last point scholars disagree. According to Moraux (1968) and Ryle (1968) Aristotle's mention of time in *Topics* Θ 10, 161a 9–12 suggests that there were some time limits set for the disputants. For Stump (1978, 163), however, if it is clear that these debates had a certain time limit, the length of time available could have simply been decided by custom or by the emotions of participants.

From here some important considerations follow concerning the nature of the dialectical debate. Since they are basically games where arguments are carried on for the sake of practice and training rather than instruction (ἔτι δ' ἐπεὶ γυμνασίας καὶ πείρας χάριν ἀλλ' οὐ διδασκαλίας),⁶ Aristotle notes that the questioner and respondent can argue to establish what is false, or can use in their arguments propositions that are false (δῆλον ὡς οὐ μόνον τὰληθῆ συλλογιστέον ἀλλὰ καὶ ψεῦδος, οὐδὲ δι' ἀληθῶν).⁷ Indeed, if the respondent puts forward something which is true, the questioner – to comply with the rules of the game – has to demolish it. To do so, he is almost bound to put forward false views (πολλάκις γὰρ ἀληθοῦς τεθέντος ἀναιρεῖν ἀνάγκη τὸν διαλεγόμενον, ὥστε προτατέον τὰ ψευδῆ).⁸

Moreover, the debate is clearly competitive, since the questioner and the respondent have opposite aims. Yet Aristotle crucially recognises that the two speakers have a common task (τὸ κοινὸν ἔργον)⁹ motivated by the fact that each one alone cannot make the disputation a good one. The aim of a dialectical game is training: the two speakers must learn through the discussion how to resolve a conflict of opinions so that the one wins and the other loses. In this light, these debates were regulated by a code of conduct to ensure that the discussion was a good one; it was apparently monitored by an official judge or someone's teachers or friends (Stump 1978, 164). Indeed, if the questioner or the respondent were to debate in a loose or contentious way, the disputation would have not been correctly performed. Indeed, in the *Topics* Aristotle gives some consideration to the 'ethics' of speakers' attitudes towards the discussion and condemns certain bad dialectical behaviour:

⁵ *Topics* Θ 7, 160a 26–28.

⁶ *Topics* Θ 11, 161a 24–26.

⁷ *Topics* Θ 11, 161a 26–28.

⁸ *Topics* Θ 11, 161a 28–29.

⁹ *Topics* Θ 11, 161a 20–21.

«Criticism of an argument when it is taken by itself is not the same thing as when it forms the subjects of questions; for often the person questioned is the cause of the argument not being properly discussed (ὁ ἐρωτώμενος αἴτιος διὰ τὸ μὴ συγχωρεῖν ἐξ ὧν ἦν διαλεχθῆναι καλῶς πρὸς τὴν θέσιν), because he does not concede the points which would have enabled the argument against his thesis to have been properly carried out [...] It is therefore necessary sometimes to attack the speaker and not his thesis (ἀναγκαῖον οὖν ἐνίοτε πρὸς τὸν λέγοντα καὶ μὴ πρὸς τὴν θέσιν ἐπιχειρεῖν) when the answerer is on the watch for points against the questioner and also employs abuse. By behaving peevishly, then, people make their discussion contentious instead of dialectical (δυσκολαινόντες οὖν ἀγωνιστικὰς καὶ οὐ διαλεκτικὰς ποιοῦνται τὰς διατριβάς) [...] The man, however, who is seeking to convert another in the proper manner should do so in a dialectical and not in a contentious way [...] Now in business he who hinders the common task is a bad partner, and the same is true in argument; for here, too, there is a common purpose (κοινὸν τι), unless the parties are merely competing against one another; for then they cannot both reach the same goal, since more than one cannot be victorious. It makes no difference whether a man acts like this in his answers or in his questions; for he who asks questions in a contentious spirit and he who in replying refuses to admit what is apparent and to accept whatever question the questioner wishes to put, are both of them bad dialecticians.» (*Topics* Θ 11, 161a 16 – 161b 5)

No doubt in order to be the good dialectician Aristotle has in mind, both the questioner and the respondent must be capable of constructing good arguments rapidly. As noted above, teachers used to present ready-made speeches for the subjects that were typically proposed for discussion. The problem stressed by Aristotle was that this practice would not help students to become dialecticians. Given that a dialectical debate could be about anything, it would not be possible to learn every speech by heart. It was necessary to design precepts of a highly abstract nature that could be applied regardless of the specific contents of individual problems. Presumably Aristotle wanted his students to have at their disposal a theory for successfully discussing every kind of controversial subject; a theory that, as such, could be of universal applicability. Thus he developed in the *Topics* a method to enable speakers to argue, starting from any *problem* set before them. It is worth noting that as a result of designing this method, which basically comprises the rules of a game, he created the first treatise on argumentation theory of the Western world!

The aims of this method are set out in the opening lines of the treatise:

«The purpose of the present treatise is to discover a method (μέθοδον εὑρεῖν) by which we shall be able to construct *arguments* (συλλογίζεσθαι) [...] about any *problem* set before us (περὶ παντός τοῦ προτεθέντος) and shall ourselves, when sustaining an argument, avoid saying anything self-contradictory (μηδὲν ἐροῦμεν ὑπεναντίον).» (*Topics* A 1, 100a 18–20)

This initial passage is key for understanding the core of the method presented in the subsequent books of the *Topics*. Aristotle says that the method presented serves the purpose of enabling people to construct arguments. As noted by Brunschwig (1967, 113), the Greek term συλλογίζεσθαι in this passage is to be intended in the wider sense of ‘constructing a deductive argument’, that is:

«an argument (λόγος) in which, certain things having being laid down (τεθέντων τινῶν), something other than these things necessarily results (ἐξ ἀνάγκης συμβαίνει) through them.» (*Topics* A 1, 100a 25–27)

In a deductive argument, certain parts are posed first – these are the ‘premises’, so that something different necessarily follows from them as a conclusion. The adverb ‘necessarily’ (ἐξ ἀνάγκης) refers to the validity of the argument, that is the fact that the premises provide a logically sufficient justification for a conclusion distinct from them. In this light, the method discussed in the *Topics* helps speakers find premises – to be presented in the form of questions – that, depending on whether they are accepted or denied by the interlocutor, necessarily lead to establishing or refuting certain conclusions. This method is illustrated in the following paragraphs.

1.2 The Nature and Function of a *Topos*

1.2.1 The Predicables

Propositions and *problems* belong in terms of their contents to different disciplines. Thus the proposition ‘Pleasure is good’ belongs to ethics, while the *problem* ‘Do angels exist or not?’ belongs to theology. In designing his method Aristotle – as the beginning of the *Topics* testifies – wanted to provide an approach that could be used to argue about any *problem* regardless of its specific content. To do so, he investigates what propositions in general have in common. He focuses on the logical relationship that exists between the subjects and the predicates of propositions and comes to realise that in any declarative proposition – that is in any sentence stating that a predicate belongs or does not belong to a subject – the predicate is stated to belong, or not to belong, only as *definition* (ὅρος), *genus* (γένος), *property* (ἴδιον) or *accident* (συμβεβηκός). In the same way, in any *problem* under investigation the question to be answered is whether or not a predicate, which expresses a *definition*, a *genus*, a *property* or an *accident*, belongs to a certain subject (*Topics* A 4, 101b 17–25). Aristotle did not give any common name to these four heads. Most scholars refer to them as the *predicables* and, although it is not the ideal appellation (Primavesi 1996, 89 n.18), this is the term that I will use throughout this work.

Each *predicable* has certain definitional characteristics that Aristotle explains in *Topics* A 4, 101b 37ff. The *definition*, he says, is a formula (λόγος) expressing the essence of something (ὁ τὸ τί ἦν εἶναι σημαίνων) by means of its *genus* and its *differentia* (*Topics* A 5, 101b 38), as the formula ‘virtue of the reasoning faculty’ (τοῦ λογιστικοῦ ἀρετὴ) is the *definition* of ‘wisdom’ (φρόνησις).¹⁰ *Genus* is that part of the essence of something which can be predicated of other things differing in kind (τὸ κατὰ πλείονων καὶ διαφερόντων τῷ εἶδει ἐν τῷ τί ἐστι κατηγορούμενον),¹¹ like the term ‘animal’ (ζῷον) is the *genus* of both ‘man’ (ἄνθρωπος) and ‘ox’ (βοῦς).¹² *Property* is an attribute that does not show the essence of a thing, but belongs to it

¹⁰ *Topics* Z 6, 145a 30–31.

¹¹ *Topics* A 5, 102a 31–32.

¹² *Topics* A 5, 102a 38–39.

alone and is coextensive with it (ὁ μὴ δηλοῖ μὲν τὸ τί ἦν εἶναι, μόνῳ δ' ὑπάρχει καὶ ἀντικατηγορεῖται τοῦ πράγματος).¹³ For example, the attribute 'to be capable of learning grammar' (γραμματικῆς δεκτικός) is the property of 'man'.¹⁴ As for the predicate *accident*, Aristotle gives two complementary definitions:

«An *accident* is that which is none of these things – neither *definition*, nor *property*, nor *genus* – but still belongs to the thing (ὑπάρχει δὲ τῷ πράγματι). Also it is something which can belong and not belong to any one particular thing (καὶ ὃ ἐνδέχεται ὑπάρχειν ὁπωσὺν ἐνὶ καὶ τῷ αὐτῷ καὶ μὴ ὑπάρχειν): for example, 'a sitting position' can belong or not belong to some one particular thing. This is likewise true of 'whiteness'; for there is nothing to prevent the same thing being at one time white and at another not white.» (*Topics* A 5, 102b 4–9)

An *accident* expresses anything which cannot be further specified as *genus*, *property* and *definition*. The term *accident* refers to predicates stating characteristics that – differently from those of the *other predicables* – neither indicate necessary qualifications of the subject nor specify a property, for example the quality of being 'white' said of a 'jumper'. It would be possible to change the colour of the jumper, to make it pink and it would still be a jumper.

As Brunschwig claims (1967, XLVI), Aristotle probably knew an original four-fold division of the *predicables* that he then changed. In the *Topics*, he is in fact keen to prove that the classification he provides can be established by induction and deduction (*Topics* A 8, 103b 1 ff.). As far as the proof by induction is concerned (πίστις διὰ τῆς ἐπαγωγῆς), he claims that «if any one were to survey propositions and *problems* one by one (εἰ τις ἐπισκοποῖ ἑκάστην τῶν προτάσεων)», he would see that they always express one of the four *predicables*. Proof by deduction (πίστις ἢ διὰ συλλογισμοῦ) refers to a typical Platonic diairetic division based on the principle of non-contradiction. Aristotle starts from the premise that in any proposition the predicate is either convertible with its subject or not (ἀντικατηγορεῖται εἶσθαι τοῦ πράγματος ἢ μὴ).¹⁵ If it is convertible it is either a *definition* (which also renders the essence of the subject) or a *property*. If it is not convertible with the subject then it must indicate one of the terms given in the definition (and it is either the *genus* or the *differentia*) or a term which is not part of the definition (an *accident*).¹⁶

The *predicables* are terms introduced at the logical level of propositions. They have to do with the relationship between subjects and predicates as codified by human cognition. For Aristotle such a codification is ultimately rooted in the ontology of the world as represented by his ten categories (κατηγορίαι).¹⁷ In the Aristotelian

¹³ *Topics* A 5, 102a 18–19.

¹⁴ *Topics* A 5, 102a 19–22.

¹⁵ *Topics* A 8, 103b 8.

¹⁶ *Topics* A 8, 103b 2–17. It is worthwhile noting that Theophrastus, as Alexander (55.24–7) reports, attempted to rearrange the subdivision of the *topoi*. On this unsuccessful attempt see Ophuijsen (1994, 161).

¹⁷ *Topics* A 9, 103b 20.

horizon, there is a real distinction in the nature of the reality about which we think, which is paralleled by our manner of thinking about it. In particular, there are ten categories representing a list of predicates, one or other of which declares the mode of its essential being belonging to any subject that exists:

«Next we must define the kinds of categories in which the four above-mentioned predicates are found. They are ten in number: essence (τί ἐστὶ), quantity (ποσόν), quality (ποιόν), relation (πρὸς τι), place (ποῦ), time (ποτέ), position (κεῖσθαι), state (ἔχειν), activity (ποιεῖν), passivity (πάσχειν). For the *accident*, the *genus*, the *property* and the *definition* will always be in one of these categories (ἐν μιᾷ τούτων τῶν κατηγοριῶν ἔσται); for all propositions made by means of these indicate either essence or quality or quantity or one of the other categories.» (*Topics* A 8, 103b 20–27)

The predicates that fall under one of the *predicables* will ontologically be found as belonging to one of the ten categories. Thus in the proposition ‘The elephant is in the jungle’ the predicate ‘to be in the jungle’ indicates the *predicable accident*, and the category ‘place’. In the proposition, ‘Socrates’ shoes are small’, ‘to be small’ is an *accident*, falling under the category ‘quantity’.

The reader might ask: given the distinction of the categories, what was the advantage of further introducing the classification of the *predicables*? The crucial feature of the *predicables* is the possibility of relying on their definitions to test whether or not a predicate is correctly utilised. The *predicables* grant the normativity of arguments. If a predicate is to be adequately stated as the *definition*, *genus*, *property* or *accident* of a subject, it has to have certain structural characteristics specified by its own essence. By looking at these characteristics, speakers are guided to find appropriate premises for establishing or refuting the proposition under investigation.

Let us imagine the following case. The questioner has to find a premise to refute the proposition ‘Mixture is a fusion’ (*Topics* Δ 2, 122b 26). From a logical point of view, this proposition attributes the term ‘fusion’ as the *genus* of the subject ‘mixture’. A *genus*, by definition, is a class including all the species and sub-species defined within it (*Topics* Δ 1, 120b 20), and this means that for a predicate to be correctly stated as *genus* of a subject, it has to be the *genus* of all the sub-species of the subject. If the questioner, on examining the proposed *genus*, finds that it is not the *genus* of one of the sub-species (for example, ‘Mixture of dry substances is not a fusion’), he may use this evidence to construct his argumentation.

Fundamentally, a reflection on the nature of the *predicables* facilitates the construction of an argument, for it gives the logical determinants for the attribution of predicates to subjects. In addition to this, as already mentioned, it enables a general and content-independent approach to argumentation.

The systematisation of this way of arguing into a method had evident difficulties, due to the high level of abstraction required if one was to develop from the definitions of the *predicables* the conditions for controlling the attribution of them. Aristotle himself explicitly admitted that he found it hard to elaborate the method (*Sophistic Refutations* 34, 184b 2–3), but in the end he set out a system of around 300 *topoi*. The *topoi* – leaving aside for the moment the issue of what exactly they are – are grouped under the four *predicables*, depending upon the *predicable* that

each *topos* aims at establishing or refuting. Thus, books B and Γ of the *Topics* group the *topoi* that are relevant for dealing with *problems* of *accident* (τόποι πρὸς συμβεβηκός), book Δ contains the *topoi* for *problems* of *genus* (τόποι πρὸς γένος), book Ε those for dealing with *properties* (τόποι πρὸς ἴδιον) and books Ζ and Η the *topoi* for *definitional issues* (τόποι πρὸς ὄρον). As for these last two books, in particular, book Ζ deals with the destruction of *definitions*, book Η 3-5 with their construction and Η 1-2 deals with *problems* of the form ‘Is A the same as B, or not?’, where A and B stand for terms such as ‘justice’ and ‘courage’ in the proposition ‘Is justice the same as courage?’. According to Aristotle, this sort of *problem* is to be treated under the head of *definition*, since, in general, when we deal with *definitions* we discuss whether things (namely *definiendum* and *definiens*) are the same or different:

«[...] such a statement as ‘That which is seemly is beautiful’ must also be put down as being ‘definitory’, and likewise the question ‘Are sensation and knowledge the same thing or different?’ [...] in a word, let us call ‘definitory’ everything which comes under the same kind of inquiry as do definitions; and it is self-evident that all the above-mentioned instances are of this kind. For when we can argue that things are the same or that they are different (δυνάμενοι γὰρ ὅτι ταὐτὸν καὶ ὅτι ἕτερον διαλέγεσθαι), we shall by the same method have an abundance of arguments for dealing with *definitions* also (τῷ αὐτῷ τρόπῳ καὶ πρὸς τοὺς ὀρισμοὺς ἐπιχειρεῖν εὐπορήσομεν); for when we have shown that a thing is not the same as another we shall have destroyed the *definition* (δείξαντες γὰρ ὅτι οὐ ταὐτόν ἐστιν ἀνηρηκότες ἐσόμεθα τὸν ὀρισμόν).»¹⁸ (*Topics* A 5, 102 a 5–14)

It must also be noted that each separate *topos* is not always exclusively confined to a single one of the four *predicables*. The *topoi* that are useful for discussing a certain *predicable* can be employed for dealing also with other *predicables*. Thus, for example, Aristotle explains at *Topics* Η 5, 155a 2–9 that a certain *definition* can be refuted in several ways, by utilising the *topoi* that relate to the other *predicables*:

«It is clear also that a *definition* is the easiest of all things to destroy (πάντων ῥᾶστον ὅρον ἀνασκευάσαι); for, since it contains many assertions, the opportunities which it offers are very numerous, and the more abundant the material, the more quickly can reasoning set to work [...] Moreover, it is possible also to attack a *definition* by means of the other attributes [i.e. *genus*, *property* and *accident*] (πρὸς μὲν ὄρον ἐνδέχεται καὶ διὰ τῶν ἄλλων ἐπιχειρεῖν); for if the description is not peculiar (μὴ ἴδιος ὁ λόγος), or if that which is assigned is not the *genus* (μὴ γένος τὸ ἀποδοθέν), or if something in the description does not belong (μὴ ὑπάρχει τι τῶν ἐν τῷ λόγῳ), the *definition* is demolished.»

In this light, the *topoi* of the *accident*, in particular, can be used for refuting any other *predicable*. This *topoi* are in some sense more important than those of the other *predicables*. In fact, they deal with a basic level of belonging, that is with the

¹⁸ Clearly the converse does not hold, since it is not enough for a definition to show that two things are the same but it has to be reached by individuating the *genus* and *differentia* of the subject under consideration.

belonging of a predicate independently from its being part of the essence or property of the subject.¹⁹

The troublesome question of 'What is a *topos*?' now needs to be answered in detail.

1.2.2 What Is a *Topos*?

1.2.2.1 Overcoming the Lack of an Aristotelian Definition

For the last 50 years the question of what a *topos* is has puzzled almost any scholar interested in the subject (Slomkowski 1997, 1–3). The problem here is that Aristotle never gave a definition of what he meant by *topos*, but for decades scholars have nevertheless tried to search for definitional hints in both the *Topics* and the *Rhetoric*. The results have been far from satisfactory. A passage of the *Rhetoric* has received particular attention in this context, namely *Rhetoric* B 26, 1403a 18–19, where Aristotle writes:

«I call the same things 'element' and 'topic' (τὸ γὰρ αὐτὸ λέγω στοιχεῖον καὶ τόπον); for an element or a topic [is a heading] under which many enthymemes fall (εἰς ὃ πολλὰ ἐνθυμήματα ἐμπίπτει).»²⁰

This use of *element* (στοιχεῖον) is close to the one mentioned at *Metaphysics* 1014b3, according to which an element is 'whatever, being one and small, is useful for many purposes'. In the *Topics* the identification between *topos* and *element* is not made explicit, but as Alexander writes in his commentary on the work, it was clear in Theophrastus:

«A *topos*, as Theophrastus says, is a principle or element (ἐστὶ γὰρ ὁ τόπος, ὡς Θεόφραστος, ἀρχὴ τις ἢ στοιχεῖον.» (*In Topicorum* 5, 21–22)²¹

De Pater (1965) 110–115 and Slomkowski (1997, 49) accordingly believed that they had found in the term στοιχεῖον the definition of *topos* that was missing in the

¹⁹ Here it is worth noting that the fact that a *predicable* may be discussed by means of *topoi* which are specifically relevant for discussing another *predicable* (like the *topoi* of the *accident* for discussing questions of *definition*) does not mean that a certain *predicable* can be another *predicable*. This observation is particularly relevant when considering Brunschwig's inclusive interpretation of the *predicables* for which a *genus* could be a *definition*, and an *accident* could be a *genus* or a *property* or a *definition*. See Brunschwig (1967, LXXVI–LXXXIII). On the question between 'inclusive' and 'exclusive' interpretation of the *predicables*, see Slomkowski's criticism of Brunschwig in Slomkowski (1997, 73–94). Slomkowski convincingly suggests that Brunschwig's distinction should be abandoned.

²⁰ Text after Kassel (1976), translation by Kennedy (1991).

²¹ Text after Wallies (1891).

Topics. However, as Brunschwig notes (1996, 41), the characterisation given in the *Rhetoric* is typically referential and empirical, and does not illuminate the function of a *topos* as, we will see later, an argumentative matrix. Following the equation between *topos* and στοιχείον, the former is identified on the basis of a given collection of rhetorical arguments out of which a common structure can be brought to light: rather than στοιχείον providing a definition, *topoi* are summarised as a set of syllogisms, and the term στοιχείον is merely retrospectively identified with them.

Again, the above passage of Alexander, where he underlines that for Theophrastus a *topos* was a *principle* (ἀρχή), leads Slomkowski (1997, 45–49 and 61–67) to believe that he has found another definition of the term. Here the problems are that Aristotle never used the term *principle* to refer to *topoi* and, moreover, that the term itself does not seem to have a technical meaning in that passage of Alexander. Moreover, there are many ways in which *topoi* could be the principles of syllogisms. Their true nature must be understood by examining their function in Aristotle's treatises.

In attempt to clarify the essence of a *topos* by examining its function, several definitions have been given. Many of these definitions assess a *topos* has a static concept. Thus, for example, a *topos* has been said to be a 'point of view' (Hambruch 1904), or a 'non-analytical law' (Bochenski, 1951; De Pater 1965) or an 'axiom' (Ebbesen 1981). Contrary to these representations, I believe that *topos* refers to a dynamic and pragmatic concept.

In this area, etymology can help compensate for the silence of Aristotle on the definition of a *topos*. Ritoðk (1975, 112) notes that *topos* in the fourth century BC was used in military terminology to indicate «einen Ort von dem aus man eine bestimmte Macht entfalten, eine Wirksamkeit entwickeln kann». By considering the *topoi* in their context, it seems plausible to suggest that the dialectical and, as we shall see, rhetorical usage of *topos* derived as a metaphor from this military use. Indeed the *topoi* are, in terms of their *genus*, *strategies of argumentation* for gaining the upper hand and producing successful speeches.

I am aware that merely characterising a *topos* as a strategy of argumentation does not shed any new light on the question. That *topoi* are strategies of argumentation is already stressed elsewhere in the literature.²² Yet when we get into the details of what kinds of strategies of argumentation they represent – what is their *differentia* when compared to other strategies of argumentation – things become more complicated. There are attempts to define a *topos* as a 'line of argument' or as a 'principle for the solution of *problems of genus, definition, property and accident*',²³ or as an 'investigation-instruction' (De Pater 1965; Stump 1988), or as an 'external inference principle' (Primavesi 1996), or as 'a sort of proposition and principle' (Slomkowski 1997). These are all characteristics that genuinely apply to the concept; however, they do not do justice to the internal structure of a *topos*.

²² See in particular Stump (1978, 168). For an account of other definitions see De Pater (1965, 92–93), Ophuijsen (1994, 136–137), Primavesi (1996, 88–91) and Slomkowski (1997, 41–49).

²³ See De Pater's discussion on the definitions of *topos* (1965, 92ff.).

In his remarkable introduction to the first four books of the *Topics*, Brunschwig (1967, xxxix) explains the nature of a *topos* by using perhaps the best metaphor ever devised for it: a *topos* is a machine for making premises («machine à faire des premises à partir d'une conclusion donnée»). I would expand this metaphor by suggesting that a *topos* is a 'machine for making arguments'. Some readers may be uncomfortable with the use of metaphors for definitional purposes – Aristotle *in primis* (*Topics* Z 2, 139b 32–35); what I mean by this metaphor is that a *topos* in the *Topics* is an *argument scheme of universal applicability*: it describes a way of constructing an argument by focusing on the formal structure of its constitutive propositions. This description is then composed of two main parts: (1) an instruction and (2) a law.²⁴ The instruction suggests to speakers how to tackle the proposition under investigation from an abstract point of view (generally but, as we shall see, not exclusively related to the nature of the four *predicables*) in order to find an appropriate premise, and how to use this premise for establishing or refuting the proposition itself. It is expressed either as a deontic sentence introduced by 'you must examine [...]’ (σκεπτέον ἐπὶ) or some equivalent expression, or as an infinitive.²⁵ As for the law, normally introduced by 'for' (γὰρ) or by some equivalent expressions, it is a principle that guarantees the reliability of the operations suggested by the instruction. The law relates the premises found by means of the instruction to the conclusion to be established or refuted. In the text, this relationship sometimes appears explicitly, in other cases it must be inferred through the declarative form of the law.

Three examples will help clarify this twofold structure. We read at *Topics* B 7, 113a 20–23:

« [...] [(**instruction:**) you must examine whether it [*scil. the contrary of the accident*] belongs to that to which the *accident* has been said to belong]. [(**law:**) For, if the former belongs, the latter cannot belong; for it is impossible for two contraries to belong to the same thing at the same time].»²⁶

As we can see, the instruction advises speakers to look for a specific premise of the form 'the contrary of the *accident* belongs to the subject' and refute any conclusion where this contrary indeed belongs. This instruction is grounded in the principle of non-contradiction, according to which contrary predicates cannot belong to the same thing simultaneously or, in conditional terms, if the contrary of the *accident* belongs to the subject, the *accident* itself cannot belong.

²⁴ On the two parts of a *topos* see in particular De Pater (1965, 115–117) and (1968, 164–166), Brunschwig (1967, XL–XLI), Stump (1978, 166–170), Pelletier (1985), Primavesi (1996, 96–99) and briefly Bird (1962, 307–310).

²⁵ See esp. Primavesi (1996, 97–98).

²⁶ [...] σκοπεῖν εἰ ὑπάρχει ᾧ περ τὸ συμβεβηκὸς εἴρηται ὑπάρχειν· [...] ἀδύνατον γὰρ τὰ ἐναντία ἅμα τῷ αὐτῷ ὑπάρχειν·

Again, another *topos* reads as follows:

« [(**instruction 1° part:**) You must also examine the definitions of the genera to see if they fit both the species assigned and things which partake of the species]. [(**law stated in declarative form:**) For the definitions of the genera must also be predicated of the species and of the things which partake of the species]. [(**instruction 2° part:**) If, therefore, there is a discrepancy anywhere, it is obvious that what has been assigned is not the *genus*].»²⁷ (*Topics* Δ 2, 122b 7–10)

In this case, speakers are advised to look for a premise of the type ‘the definition of the *genus* belongs to the subject/species’ and refute conclusions where the definition does not belong. This procedure rests on the logical principle stating that the definition of a *genus* must belong to its species or, in conditional terms, if the definition of the *genus* does not apply to the subject, the *genus* itself does not apply.

In the last example, we find a law explicitly stated in conditional form:

«[(**instruction:**) You must look with regard to contraries whether contrary follows upon contrary, either directly or in reverse order] [...] [(**law stated in conditional form:**) if, then, the contrary does not follow the contrary either directly or in reverse order, it is clear that neither does one of the terms in the statement follow the other].»²⁸ (*Topics* B 8, 113b 27 – 114a 6)

This *topos* is useful for discussing the attribution of an *accident* by focusing on the attribution of the contrary *accident* to the contrary predicate. If such an attribution, either in a direct or reverse order, is confirmed, the *accident* itself must be rejected.

As Primavesi’s study clearly shows,²⁹ not all *topoi* are presented in the same way. Aristotle does not always explicitly present all the fundamental parts of a *topos*. But when this occurs, what is missing can easily be inferred. Thus, there are cases where Aristotle only presents the instruction:

«Another [*topos*] is [(**instruction:**) to make definitions both of the *accident* and of that to which it belongs, either of both separately or one of them, and then see if anything untrue has been assumed as true in the definition].»³⁰ (*Topics* B 2, 109b 30–33)

Here the instruction suggests comparing the definition of the *accident* and that of the subject to see how they relate and look for incompatibilities between them. No law is expressed, but one can be inferred: namely that the definitions respectively of the *accident* being predicated and of the subject must be compatible.

²⁷ Σκοπεῖν δὲ τοὺς λόγους τῶν γενῶν, εἰ ἐφαρμόττουσιν ἐπὶ τε τὸ ἀποδοθὲν εἶδος καὶ τὰ μετέχοντα τοῦ εἶδους· ἀνάγκη γὰρ τοὺς τῶν γενῶν λόγους κατηγορεῖσθαι τοῦ εἶδους καὶ τῶν μετεχόντων τοῦ εἶδους.

²⁸ Ἐπὶ δὲ τῶν ἐναντίων σκοπεῖν εἰ τῷ ἐναντίῳ τὸ ἐναντίον ἔπεται, ἢ ἐπὶ ταῦτά ἢ ἀνάπαλιν, καὶ ἀναιροῦντι καὶ κατασκευάζοντι [...] Εἰ οὖν μήτ’ ἐπὶ ταῦτά τῷ ἐναντίῳ τὸ ἐναντίον ἀκολουθεῖ μήτε ἀνάπαλιν, δῆλον ὅτι οὐδὲ τῶν ῥηθέντων ἀκολουθεῖ τὸ ἕτερον τῷ ἑτέρῳ.

²⁹ See Primavesi’s detailed analysis of the *topoi* of *Topics B* in (1996, 117–275).

³⁰ Ἄλλος τὸ λόγους ποιεῖν τοῦ τε συμβεβηκότος καὶ ᾧ συμβέβηκεν, ἢ ἀμφοτέρων καθ’ ἑκάτερον ἢ τοῦ ἑτέρου, εἴτα σκοπεῖν εἴ τι μὴ ἀληθὲς ἐν τοῖς λόγοις ὡς ἀληθὲς εἰληπται.

In other cases Aristotle only introduces the law, as in the following *topos* based on the belonging on a different degree of a predicate to two subjects:

«Here is another [*topos*] [...] [(**law**): if it does not belong to the one to which there is the greater likelihood of its belonging, it does not belong either to the one to which it is less likely to belong].»³¹ (*Topics* B 10, 115a 6–8)

Here the instruction is not stated, but can be inferred: speakers have to find a premise of the type ‘The *accident* does not belong to the subject to which it is more likely to belong’ and refute the original conclusion on the basis of that.

The two examples just quoted show that Aristotle speaks of *topoi* in both cases (ἄλλος in the beginning of the passage refers to the word τόπος). In this light, it looks as if the different way of presenting each *topos* is due to stylistic reasons – not to mention Aristotle’s famous stylistic carelessness in his treatises – rather than to a conceptual difference in what he presents. Indeed, the fact that Aristotle does not always state both is unimportant, since the law and the instruction cannot function apart from each other: the law is the basis for the construction of the argument, but to be of any use it must be developed through the inferential process suggested by the instruction.³²

Let us now analyse some other notions that Aristotle adds to his explanation of the *topoi*. These are all notions that seem to be added only to facilitate the use of a *topos*; they are not part of its essence. Firstly, *topoi* are sometimes introduced by a formula that, we will see in more detail in dealing with the Latin tradition, functions as a sort of name of the strategy. These names are in a typical ‘from’ form that indicates the main concept on which the strategy plays, and which acts as the basis of the inferential process. To quote some examples of this usage, *topoi* can be introduced by formulas like:

³¹ Ἄλλος ἐνὸς περὶ δύο λεγομένου, εἰ ᾧ μᾶλλον εἰκὸς ὑπάρχειν μὴ ὑπάρχει, οὐδ’ ᾧ ἦττον, καὶ εἰ ᾧ ἦττον εἰκὸς ὑπάρχειν ὑπάρχει, καὶ ᾧ μᾶλλον.

³² Some scholars have disputed the unity of a *topos*. Thus, De Pater (1965, 116) reviving an idea that was originally presented by Thionville (1855, 30) thinks that a *topos* is primarily the ‘law’, while Stump (1978, 168) thinks that a *topos* is primarily the ‘instruction’. The idea of separating the two components of a *topos* seems to go back to the post-Aristotelian tradition. Alexander (*in Topicorum* 135. 3–6) says that Theophrastus distinguished between the instruction of a *topos*, which he calls παράγγελμα, and the law, which he calls *topos*, and he asserted that «For an investigation-instruction is what is said in more common, universal and simple term, and from it the *topos* is found; for the principle of the *topos* is the investigation-instruction, just as the *topos* is the principle of *epicheireme*» (tr. by Slomkowski 1997, 62). Now, the claim that the *topos* derives from the παράγγελμα as from its principle is on the face of it absurd. The precept, it is worth repeating, is an instruction to apply a certain law in a given context; the law justifies the precept and is the cause of its validity. The law should be prior to the precept, which could have no authority without it. The only situation where it would be legitimate to speak of the παράγγελμα as more general than the *topos* is when the παράγγελμα refers to different *topoi* all based on a certain logical law: for example, the παράγγελμα at *Topics* B 10, 114b 37–38 (Ἐπὶ ἐκ τοῦ μᾶλλον καὶ ἦττον), which is an instruction for applying four different *topoi* (εἰσὶ δὲ τοῦ μᾶλλον καὶ ἦττον τόποι τέσσαρες). Yet, not all παράγγελα mentioned by Aristotle are relevant to more than one *topos*; and we do not know whether Theophrastus made any distinctions between *topoi* in this respect.

«From the greater and the less degree (ἐκ τοῦ μᾶλλον καὶ ἥττον)» (*Topics* B 10, 114b 37)
 «From the corruption, losses, generations, acquisitions and contraries of things (ἐκ τῶν φθορῶν καὶ τῶν ἀποβολῶν, καὶ τῶν γενέσεων καὶ τῶν λήψεων, καὶ τῶν ἐναντίων)» (*Topics* Γ 2, 117b 3–4)
 «From inflexions and coordinates (ἐπὶ τῶν πτώσεων καὶ ἐπὶ τῶν συστοίχων)» (*Topics* Δ 3, 124a 10)

The name of a *topos* can be useful to recall a certain strategy of argumentation. But, clearly, in order to apply the strategy, the law and the instruction linked to the name must also be recalled. By simply remembering the expression ‘*topos* from the greater and the less degree’, if the reader does not know the law and instruction associated to it, he will not be able to construct an argument.

Secondly, for most *topoi* Aristotle presents examples of how to utilise the *topoi* to construct arguments about specific subject-matters. He explains the procedure of construction by substituting actual examples for the abstract terms on which a *topos* plays. Thus, going back to two of the above *topoi*, Aristotle illustrates the *topos* in *Topics* B 2, 109b 30–33³³ by showing how it can be used to prove that ‘the good man cannot be envious’:

«Again, to see whether the good man is envious, you must ask, who is ‘envious’ and what is ‘envy’? (τίς ὁ φθονερός καὶ τίς ὁ φθόνος) For if ‘envy’ is pain at the apparent prosperity of an honest man, clearly the good man is not envious; for then it would be a bad man.»

Similarly, he shows how to demolish the conclusion that ‘the good is necessarily pleasant’ by reasoning on the relationship between contraries:

«[(**instruction:**) You must look for the contrary not only in the case of the subject itself which is under discussion but also in the case of its contrary]. [(**example:**) For instance, you can say that the good is not necessarily pleasant, for neither is the evil necessarily painful (οἷον ὅτι τὸ ἀγαθὸν οὐκ ἐξ ἀνάγκης ἥδύ· οὐδὲ γὰρ τὸ κακὸν λυπηρόν)] [...] This *topos* has been mentioned above in dealing with the sequence of contraries; for at the moment we are not postulating anything more than [(**law:**) that contrary follows contrary].» (*Topics* B 9, 114b 6–15)

It should then be noted that Aristotle often explains for which argumentative dimensions the strategies are useful. The *Topics* contain several remarks on whether a certain *topos* is convertible both for destructive and for constructive purposes, or whether it acts in one dimension only. In the following case, Aristotle indicates the double dimension of the use of a *topos* based on the principle of non-contradiction:

«Where of necessity only one of the two predicates must be true (for example, a man must have either disease or health), if we have a supply of material for arguing with regard to one of them that it is present or not, we shall have a supply of material also regarding the other. [(**purpose:**) This rule is convertible for both purposes (Τοῦτο δ’ ἀντιστρέφει πρὸς ἄμφω); for if we have shown that the one is present, we shall have shown that the other is not present

³³ *Supra* 15.

(δειξαντες μὲν γὰρ ὅτι ὑπάρχει θάτερον, ὅτι οὐχ ὑπάρχει τὸ λοιπὸν δεδειχότες ἐσόμεθα); if we have shown that one is not present, we shall have shown that the other is present (ἐὰν δ' ὅτι οὐχ ὑπάρχει δεῖξωμεν, τὸ λοιπὸν ὅτι ὑπάρχει δεδειχότες ἐσόμεθα). It is obvious, therefore, that this commonplace is useful for both purposes].» (*Topics* B 5, 112a 24–31)

In some other cases, however, Aristotle notes how the application of a certain *topos* in one of the two dimensions would lead to fallacious inferences. This occurs, for instance, when we argue by considering the degree of belonging of predicates: in this case the *topos* is only useful for constructive purposes:

«Again, [(**law:**) if anything is predicated in a greater or less degree, it also belongs absolutely]; [(**example:**) for what is not good (or white) will never be said to be good (or white) in a greater or less degree]; [(**purpose:**) This *topos* is not convertible for purposes of destructive criticism (Οὐκ ἀντιστρέφει δ' οὐδ' οὗτος ὁ τόπος πρὸς τὸ ἀνασκευάσαι); for many predicates to which we cannot ascribe a greater or a less degree belong absolutely (πολλὰ γὰρ τῶν οὐ λεγομένων μᾶλλον ἀπλῶς ὑπάρχει); for 'man' cannot be predicated in a greater or less degree, but a man does not on this account cease to be a man].» (*Topics* B 11, 115b 3–10)

Within this framework, there are instances where Aristotle explains a *topos* by specifically presenting and discussing each dimension separately. For example, in the following passages Aristotle shows how to take into consideration the fact that a *property* by definition cannot be expressed by means of terms of universal application and shows how to use this consideration, first, to establish and, second, to refute propositions:

«Next [(**explanation of the *topos* in the destructive dimension:**) for destructive criticism (ἀνασκευάζοντα), [(**instruction:**) you must see whether he has assigned in the *property* any term which has a universal application (εἰ τοιοῦτόν τι ἀποδεδόκεν ἐν τῷ ἰδίῳ, ὃ πᾶσιν ὑπάρχει)], [(**law:**) for anything which does not distinguish the subject from any other things will be useless, but what is stated in properties [...] must make a distinction and so the *property* will not be correctly assigned]. [(**example:**) For example, he who has laid down as a *property* of 'knowledge' that it is 'a conception which cannot be changed by argument, because it is one', has made use in the *property* of a term, namely, the 'one', of such a kind as to be universally applicable, and so the *property* of knowledge cannot have been correctly assigned]]. [(**explanation of the *topos* in the constructive dimension:**) For constructive purposes (κατασκευάζοντα), on the other hand, [(**instruction:**) you must see if he has used, not a common term, but one which distinguishes the subject from something (εἰ μηδενὶ κέχρηται κοινῷ, ἀλλ' ἀπὸ τίνος χωρίζοντι)]; [(**law:**) for then the *property* will have been correctly assigned in this respect]. [(**example:**) For example, he who has said that 'the possession of a soul' is a *property* of 'living creature' has not used any common term, and so 'the possession of a soul' would in this respect be correctly assigned as a *property* of 'living creature']].» (*Topics* E 2, 130b 11–22)

Before concluding this section, two important remarks are needed. We said before that Aristotle often illustrates the application of individual *topoi* in specific cases. Yet he is very keen to underline that a *topos* itself must be presented in an abstract form, because only in this way will it be useful for discussing a large number of cases. He stresses this aspect in Book Γ of the *Topics*, while considering the class of *topoi* which deal with the more and the greater degree:

«The *topoi* which deal with the more and the greater degree must be taken as generally as possible (Ληπτέον δ' ὅτι μάλιστα καθόλου τοὺς τόπους περὶ τοῦ μᾶλλον καὶ τοῦ μείζονος); for

when they are so taken they would be useful in a larger number of cases (ληφθέντες γὰρ οὕτως πρὸς πλείω χρήσιμοι ἂν εἴησαν). Of the actual instances given above some can be made of more general application by a slight change in the way in which they are worded (μᾶλλον ποιεῖν μικρὸν παραλλάσσοντα τῇ προσηγορίᾳ). We can say, for example, that that which naturally has a certain quality has that quality in a greater degree than that which does not possess it naturally (τὸ φύσει τοιοῦτο τοῦ μὴ φύσει τοιούτου μᾶλλον τοιούτο).» (*Topics* Γ 4, 119a 12–19)

Zadro (1974, 403) rightly refers the expression ‘instances given above’ to *Topics* Γ 1, 116b 10, where we read:

«that which is naturally good is more worthy of choice than that which is not so by nature (τὸ φύσει τοῦ μὴ φύσει).»

Aristotle substitutes two terms that have a clearly limited semantic dimension, namely ἀγαθόν and αἰρετώτερον, with the indefinite pronoun τοιοῦτο. If we think of *topoi* as universally applicable, such a substitution is motivated by the wish to extend the applicability of these strategies beyond the ethical contexts where they primarily apply. This wide applicability is indeed a crucial characteristic of the Aristotelian method of *topoi*, one that Aristotle himself emphasised and that, as we will see, more than any other aspect of the Aristotelian *topoi* impacted on their later development.³⁴

The only limitation that seems to restrict the applicability of a *topos* is created by the nature of those terms to be used in the argumentative process. To be more precise, let us take the following *topos* based on the law stating that contraries cannot belong to the same thing at the same time:

«If the *accident* of anything has a contrary, you must examine whether it belongs to that to which the *accident* has been said to belong. For, if the former belongs, the latter cannot belong; for it is impossible for two contraries to belong to the same thing at the same time.» (*Topics* B 7, 113a 20–23)³⁵

This strategy could be applied to discuss any subject matter. Yet its application depends on the fact that speakers can individuate two terms that are contraries and that will be accepted as such by the interlocutor. In other cases, the application of a *topos* is conditional upon certain characteristics of the predicate or the subject at

³⁴ The emphasis on the wide applicability of a *topos* is also confirmed by looking at Theophrastus’ discussion of the term in the passage part of which was quoted above: «A *topos* is a principle or element from which we take the starting-points for each [argument], limited in its compass (τῇ περιγραφῇ μὲν ὀρίσμενος) but unlimited in its applicability to particular [arguments] (τοῖς δὲ καθ’ ἕκαστα ἀόριστος)» (in *Topicorum* 5 21–26). ‘Limited in compass’ could refer to the linguistic form of the *topoi* and mean no more than they are concise expressions of a law and how to use it to construct a specifically defined type of argument (for this use of περιγραφῇ see LSJ s.v.II 3). In the last clause I have given a paraphrase of the Greek, whose literal meaning is “unlimited in respect of particular cases”. This clause brings the corollary of the previous one: while each *topos* is valid for one closely defined type of argument only, there is no theoretical limit to the number of particular cases to which it can be applied.

³⁵ *Supra* 14.

stake, including the fact that the predicate has more than one meaning (for example, 'good')³⁶ or is a relative term (for example, 'knowledge'),³⁷ or the subject is composed of like parts (for example, 'air' or 'sea').³⁸ Such characteristics are not typical of all terms and when they do not occur speakers must look for different *topoi*. It is for this reason that, as part of the presentation of the *topoi*, Aristotle often specifies the terminological requirements for their application. The following introductions to specific *topoi* are an example of how the terminological requirements are specified by Aristotle in the *Topics*:

«Furthermore, if a term is used with more than one meaning [...] we ought to demonstrate [...] (ἐὰν πολλαχῶς λέγεται [...] θάτερον δεικνύναι) » (*Topics* B 2, 110a 23–24)
 «If the species is a relative term, you must see [...] (Ἐὰν δ' ἡ πρὸς τι τὸ εἶδος, σκοπεῖν εἰ)» (*Topics* Δ 4, 124b 15)
 «Next, in dealing with things which have like parts, you must see [...] (ἐπὶ τῶν ὁμοιομερῶν σκεπτέον)» (*Topics* E 5, 135a 20)

As a way to summarize all the essential and additional elements that can occur in the description of a *topos*, I present here two *topoi* in diagrammatic form. The elements are introduced according to the order set out by Aristotle:

1. Applicability requirements	If an <i>accident</i> which has a contrary is asserted
2. Name	--
3. Instruction	you must look whether what admits of the <i>accident</i> admits also of its contraries
4. Law	for the same thing admits of contraries
5. Example	For example, if your opponent has said that hatred follows anger, then hatred would be in the spirited faculty; for anger is in that faculty. You must therefore look whether its contrary, namely friendship, is also in the spirited faculty; for if it is not there but in the appetitive faculty, then hatred cannot follow anger.
6. Purpose	This method [...] should be used in destructive criticism, but for constructive purposes is of not used for proving that the <i>accident</i> belongs [...] ³⁹

³⁶ *Topics* B 2, 110a 24ff.

³⁷ *Topics* Δ 3, 124a 15ff.

³⁸ *Topics* E 5, 135a 20ff.

³⁹ *Topics* B 7, 113a 33–113b 8: Πάλιν εἰ κεῖται συμβεβηκὸς ὥς ἐστὶ τι ἐναντίον, σκοπεῖν εἰ καὶ τοῦ ἐναντίου δεκτικόν, ὅπερ καὶ τοῦ συμβεβηκότος· τὸ γὰρ αὐτὸ τῶν ἐναντίων δεκτικόν. Οἷον εἰ τὸ μῖσον ἐπεσθαι ὀργῇ ἔφησεν, εἴη ἂν τὸ μῖσος ἐν τῷ θυμοειδεῖ· ἐκεῖ γὰρ ἡ ὀργή. Σκεπτέον οὖν εἰ καὶ

1. Applicability requirements	- -
2. Name	You must argue from things which stand in a similar relation
3. Instruction and purpose	For destructive criticism, see whether an attribute which is similarly related fails to be a <i>property</i> of the similarly related; for then neither will that which is related like the former be a <i>property</i> of that which is related like the latter
4. Law	- -
5. Example	For example, since the builder stands in a similar relation for the production of a house to that in which the doctor stands for the production of health, but it is not a <i>property</i> of a doctor to produce health, it would not be a <i>property</i> of a builder to produce a house. ⁴⁰

I now shall analyse the *topoi* from the point of view of their validity. This is an essential point that will lead us to clarify the nature of the principles on which *topoi* rest.

1.2.2.2 The Validity of the *Topoi*

In *Topics* B 4, 111b 17–23, one of the *topoi* reads:

«You must examine as regards the subject in hand (τοῦ προκειμένου) what it is on the existence of which (τίνας ὄντος) the existence of the subject depends (τὸ προκείμενόν ἐστι), or what necessarily exists (τί ἐστὶν ἐξ ἀνάγκης) if the subject exists (εἰ τὸ προκείμενόν ἐστι). For constructive purposes, you must examine what it is on the existence of which the existence of the subject will depend (for if the former has been shown to exist (ἐάν γὰρ ἐκείνο δειχθῇ ὑπάρχον), the subject will have been shown to exist (καὶ τὸ προκείμενον δεδειγμένον ἔσται); for destructive purposes, we must examine what exists if the subject exists; for if we show that what is consequent upon the subject does not exist (τὸ ἀκόλουθον τῷ προκειμένῳ μὴ ὄν), then we shall have demolished the subject (ἀννηρηκότες ἐσόμεθα τὸ προκείμενον).»

τὸ ἐναντίον ἐν τῷ θυμοειδεῖ· εἰ γὰρ μή, ἀλλ' ἐν τῷ ἐπιθυμητικῷ ἐστὶν ἡ φιλία, οὐκ ἂν ἔποιτο μῖσος ὀργή· Ὅμοίως δὲ καὶ εἰ τὸ ἐπιθυμητικὸν ἀγνοεῖν ἔφησεν· εἴη γὰρ ἂν καὶ ἐπιστήμης δεκτικόν, εἴπερ καὶ ἀγνοίας ὅπερ οὐ δοκεῖ, τὸ ἐπιθυμητικὸν δεκτικὸν εἶναι ἐπιστήμης. Ἀνασκευάζοντι μὲν οὖν καθάπερ εἴρηται χρηστέον.

⁴⁰ *Topics* E 7, 136b 35–137a 1: Ὡς περὶ ἐκ τῶν ὁμοίως ἐχόντων, ἀνασκευάζοντα μὲν εἰ τὸ ὁμοίως ἔχον τοῦ ὁμοίως ἔχοντος μὴ ἔστιν ἴδιον· οὐδὲ γὰρ τὸ ὁμοίως ἔχον τοῦ ὁμοίως ἔχοντος ἔσται ἴδιον. οἶον ἐπεὶ ὁμοίως ἔχει ὁ οἰκοδόμος πρὸς τὸ ποιεῖν οἰκίαν καὶ ὁ ἰατρός πρὸς τὸ ποιεῖν υἱείαν, οὐκ ἔστι δὲ ἰατροῦ ἴδιον τὸ ποιεῖν υἱείαν, οὐκ ἂν εἴη οἰκοδόμου ἴδιον τὸ ποιεῖν οἰκίαν.

As Brunschwig (1967, 44 n. 3) and Slomkowski (1997, 99) correctly show, in this passage Aristotle instructs speakers on how to construct the hypothetical syllogisms that are nowadays described as *modus ponens* and *tollens*, and that can be schematized in the following way:

<i>Modus ponens</i>	<i>Modus tollens</i>
If P, then Q	If P, then Q
P	not Q
Hence Q	Hence not P

This *topos* seems to be representative of the working of the *topoi* at the logical level of the argumentation. The *topoi*, we have argued, are argument schemes. But from a logical point of view, they work as derived inferential rules which bestow logical validity on arguments in the form of hypothetical syllogisms – mainly in *modus ponens/modus tollens* form.⁴¹ A *topos* functions as an inference-license. Thus, to quote again one of the *topoi* already described,⁴² we read at *Topics* B 8, 113b 37–114a 6:

«You must look with regard to contraries whether contrary follows upon contrary, either directly or in reverse order [...] if, then, the contrary does not follow the contrary either directly or in reverse order, it is clear that neither does one of the terms in the statement follow the other, but if one follows the other in the case of the contraries, one term in the statement must also necessarily follow the other.»

From a pragmatic point of view, this strategy advises speakers on how to construct an argument by looking at the direct and reverse entailment of contrary terms. But from a logical point of view, speakers by applying this *topos* can construct arguments of the following form (where C(X) stands for the contrary of the term X):

In the destructive dimension:
 If A is B, then C(A) is C(B)
 not C(A) is C(B)
 Hence, not (A is B)

In the constructive dimension:
 If C(A) is C(B), then A is B
 C(A) is C(B)
 Hence, A is B

These arguments have the form respectively of *modus tollens* and *modus ponens*.

As rightly noted by Braet (2005, 66), Aristotle seems here «to anticipate a modern distinction in the work of the pragma-dialecticians according to which a concrete

⁴¹ For other kind of hypothetical syllogisms constructed by means of *topoi* see Slomkowski (1997, 100–106).

⁴² *Supra* 15.

argumentation is invariably based on two structures: on a logical level a form of argumentation such as *modus ponens*, and on a pragmatic level an argumentation scheme such as analogy». To be sure, Aristotle never made this point explicit and this aspect of the *topoi* has not been unchallenged (see Primavesi 1996, 87–88). Yet there is no doubt that Aristotle and his followers were fully aware of the structure of the hypothetical arguments, and when his pupils, Theophrastus and Eudemus, later developed the theory of hypothetical syllogisms they presumably took the work done in the *Topics* as their starting point (Slomkowski 1997, 110 n. 58).

In light of the observations made in this and the previous paragraph, I agree with De Pater (1965 and 1968) that the value of a *topos* rests on its having two functions, namely a selective function (a *topos* is a device to find arguments) and a guarantee function (a *topos* is a kind of inference link that grants the plausibility of the step from certain premises to controversial claims). Both these functions deserve further consideration.

As we have seen, a *topos* helps speakers construct certain types of argument: it gives different sorts of information needed for this purpose. In this sense, it can rightly be linked to the discovery of arguments. Yet, there is something important that the method of *topoi* does not do. The *topoi* suggest certain types of argument. They do not tell, however, what scheme is best to use in a specific situation, and with a specific interlocutor. In other words, if I can support a certain standpoint by using the *topos* from the more and the less, or the *topos* from the contrary or that from definition, what is more appropriate in a specific context is still a matter of my creativity and understanding of the interlocutor. Clearly the selection of a scheme is influenced by the questioner's general knowledge of the subject at stake or by what, according to the questioner, the respondent will accept. If he can find similar cases, then he can use the *topoi* from the more and the less; if he is in a legal context, and can make use of a definition that is not controversial, he can argue on the basis of the *topos* from definition and so forth. As I shall show, Aristotle addresses some of these aspects in the *Rhetoric*.

There is another difficulty linked to the use of *topoi* as a device for finding arguments. In the *Topics* Aristotle presents almost 300 *topoi* that to be properly used require the acquisition of what I would call a 'topical competence': a competence in the sort of reflection needed for using the *topoi*. The *topoi* are not a method that can be simply memorised and used by heart. They require that speakers approach instances of argumentation from an abstract point of view, and this reflection presupposes training. As we shall see in the next paragraph, in the first book of the *Topics* Aristotle instructs speakers how to train for this. On the one hand, then, the method has the advantage of providing theoretical foundations for refining the practice of argumentation. On the other hand, however, it has the risk of being of no use if speakers do not get to the essence of it, and understand what to do with it.

Let us now explore what De Pater calls the guarantee function of the *topoi*. The application of the *topoi* leads to the creation of arguments that, for the most part, are in the form of hypothetical syllogisms. Thus the *topoi* are valid in the sense that they are normatively binding: if the hearer accepts the premises of the speaker's argument, and the argument is an instance of a genuine *topos* correctly applied,

then the conclusion follows in a valid way. Here the question is: where do the *topoi* get this binding strength? This question can be answered by observing the laws or hypotheses on which the *topoi* are based.

As we have seen, the laws on which *topoi* rest establish a certain substantial connection between statements. But, in term of their constitutive contents, they mainly result from an analysis of argumentation from an 'intentional' point of view, that is with a focus on the internal structure of proposition and on the belonging (ὑπάρχειν) of a predicate to a subject.⁴³ Exceptions are a few laws that do not focus on the structure of propositions, but rather are based on manoeuvres strictly related to the dialectical game, such as the precept that it is convenient to lead an opponent into the sort of assertion against which we shall have a supply of arguments.⁴⁴

The other principles result from elementary but insightful considerations about the relationship between the terms of propositions from an ontological, logical, semantic and linguistic point of view. They are presented at a rather high level of abstraction that preserves their subject-independent nature. Here another exception has to be made, for the laws presented in Book Γ that, as we said earlier, instantiate norms of ethical conduct on what is more worthy of choice or better between two or more things.⁴⁵ For example, we find here principles as the one stating that 'That which is good absolutely is more worthy of choice than which is good for an individual'.⁴⁶ Clearly, the applicability of these principles is limited to contexts where the issue of ethical choice is relevant and, as such, the *topoi* generated on the basis of them do not meet the ideal picture of a common topic. But, as I said earlier, Aristotle, who seems to be aware of this limited applicability, suggested a way of making these principles more abstract.⁴⁷

Leaving out the exceptions mentioned above, in what follows I shall present a categorisation of the main principles that are found in the *Topics*. For the sake of clarification, each category is exemplified by reporting one of the laws it contains.

1. Definition of the logical predicables

For the principles falling under this category, it is primarily a matter of instantiating a relationship between a subject and a predicate that preserves the logical conditions for the correct attribution of a certain *predicable*. Thus, for example, considering that by definition a *genus* is predicated in the category of essence of things (*Topics* 102a 32), one of the laws for dealing with a *genus* established that «The *differentia*

⁴³ Only in a few cases there is an explicit attention for aspects of propositional logic. See *supra* 21–22.

⁴⁴ *Topics* B 5, 111b 32–33: Ὅτι ὁ σοφιστικὸς τρόπος, τὸ ἄγειν εἰς τοιοῦτον πρὸς ὃ εὐπορήσομεν ἐπιχειρημάτων. The presence of this strategy in one of the central books of the *Topics* arises some doubts: it would surely be more appropriate in book Θ of the *Topics* where there are other indications of this sort of manoeuvring. In any case, it differs from the other *topoi* in nature, and Aristotle himself seems to remark this difference when calling it *tropos* (τρόπος).

⁴⁵ *Topics* Γ 1, 116a 1–2. See *supra* 18–19.

⁴⁶ *Topics* Γ 1, 116b 8–9: τὸ ἀπλῶς ἀγαθὸν τοῦ τινὶ αἰρετώτερον, οἷον τὸ ὑγιάζεσθαι τοῦ τέμνεσθαι.

⁴⁷ *Supra* 18–19.

is never the *genus* of anything (οὐδενὸς γὰρ ἡ διαφορὰ γένος ἐστίν).⁴⁸ A *differentia*, in fact, does not indicate an essence, but rather some quality.

2. *Ontological dimension*

For these principles, it is mainly a question of linking a predicate and a subject by taking into consideration ontological parameters such as the temporal dimension surrounding certain processes, the places where they occur, the processes of generation, corruption and addition, the states of being, becoming and being a capacity. Thus, for example, to show whether something is good or bad, speakers might rely on the following principles where the same predicate is given to terms ontologically connected in terms of process of generation and things generated:

«Things of which the generations are good things are themselves also good; and if they are themselves good, so also are their generations. If, however, their generations are bad things, they themselves are also bad things.»⁴⁹ (*Topics* B 9, 114b 17–20)

3. *Sameness, similarity and difference*

Several principles state criteria for establishing whether two subjects are identical, similar or different. Identity is determined by considering the sameness of certain characteristics of the two subjects, for example the fact that both increase and diminish simultaneously (εἰ τὸ μὲν δέχεται τὸ μᾶλλον τὸ δὲ μή, ἢ εἰ ἄμφω μὲν δέχεται, μὴ ἅμα δέ),⁵⁰ or whether each of the two things is the same as a third thing (εἰ ὃ θάτερον ταῦτόν, καὶ θάτερον).⁵¹ Similarity is granted on the basis of perceived uniformity of nature – where under like conditions like events seem to occur, as in the following law:

«If something is true of one of the like things, it is also true of the other, but if it is not true of one of them, it is not true of the others either.»⁵² (*Topics* B 9, 114b 29–31)

4. *Terms ontologically related (coordinates and inflected forms)*

In the *Topics* some principles work by presupposing common semantic properties for terms that are linguistically connected. In particular, the focus is on terms that are coordinates (συστοιχίαι), for example ‘just actions’ (τὰ δίκαια) and ‘just man’ (ὁ δίκαιος) as coordinates with ‘justice’ (ἡ διακασισύνη),⁵³ and the inflected forms of words (πτῶσεις) where the verbal theme of the words is the same but the ending is different, for example ‘courage’ (ἀνδρεία) and ‘courageously’ (ἀνδρείως).⁵⁴ So, for these terms, the principle is that:

⁴⁸ *Topics* Δ 2, 122b 15.

⁴⁹ [...] αἱ γενέσεις τῶν ἀγαθῶν, καὶ αὐτὰ ἀγαθὰ (καὶ εἰ αὐτὰ ἀγαθὰ, καὶ αἱ γενέσεις); εἰ δὲ αἱ γενέσεις τῶν κακῶν, καὶ αὐτὰ τῶν κακῶν.

⁵⁰ *Topics* H 1, 152b 6–7.

⁵¹ *Topics* H 1, 152a 31.

⁵² εἰ μὲν γὰρ ἐπὶ πινος τῶν ὁμοίων οὕτως ἔχει, καὶ ἐπὶ τῶν ἄλλων τῶν ὁμοίων, εἰ δὲ ἐπὶ πινος μή, οὐδ’ ἐπὶ τῶν ἄλλων.

⁵³ *Topics* B 9, 114a 27.

⁵⁴ *Topics* B 9, 114a 36.

«Whatever belongs or does not belong to one [sc. of the coordinates or inflected forms], at the same time belongs or does not belong to all.»⁵⁵ (*Topics* Δ 3, 124a 10–12)

5. *From the definition of the terms of the proposition*

In this category, we find principles that presuppose as necessary a congruity between a subject and a predicate as revealed by the compatibility of their definitional characteristics. As an example, one of the laws for dealing with a *genus* states that:

«The definitions of the genera must also be predicated of the species and of the things which partake of the species.»⁵⁶ (*Topics* Δ 2, 122b 9–10)

6. *Implication between propositions*

As I mentioned earlier, the *topoi* mainly focus on the internal structure of propositions, on their subjects and predicates. In a few cases, however, attention is paid to the logical connections between propositions. The laws in these cases point out general principles of implication, as the one according to which an intentional relationship is stated between an antecedent and a consequent for which if any single one of the consequences of an assertion is demolished, the original assertion is also demolished (*Topics* B 5, 112a 16–23).⁵⁷

7. *From oppositions*

The laws based on the oppositions of terms (ἀντιθέσεις) are several. There are, in fact, four kinds of oppositions at play in the *Topics*:⁵⁸

- i. *contradictories* (ἐπὶ τῶν ἀντιφάσεων), those terms that exclude each other insofar as the one poses what the other denies, for example ‘green’ and ‘not green’;
- ii. *contraries* (τῶν ἐναντίων), namely the extreme terms of a *genus*, such as ‘courage’ and ‘cowardice’;
- iii. *relatives* (τῶν πρὸς τι), expressing the terms of a relationship, for example ‘father’ and ‘son’, in such a way that they cannot be exchanged with each other;
- iv. *privation and possession* (τῶν στερήσεων καὶ ἔξεων), those pair of terms where the one expresses the presence of a state (for example, ‘sensation’) and the other a privation (for example ‘lack of sensation’).

In dealing with oppositions, Aristotle mainly focuses on some general laws on the attribution of terms that are opposed to one another, and on the sequence (ἀκολουθεῖν) of the terms. We thus find principles ranging from

«It is impossible for two contraries to belong to the same thing at the same time»⁵⁹ (*Topics* B 7, 113a 22–23)

⁵⁵ [...] ἐπὶ τῶν πτώσεων καὶ ἐπὶ τῶν συστοίχων [...] ἐνὶ καὶ πᾶσιν ὑπάρχει ἢ οὐχ ὑπάρχει.

⁵⁶ ἀναγκη γὰρ τοὺς τῶν γενῶν λόγους κατηγορεῖσθαι τοῦ εἶδους καὶ τῶν μετεχόντων τοῦ εἶδους.

⁵⁷ See also *supra* 21–22.

⁵⁸ See *Topics* B 8, 113b 15 – 114a 26.

⁵⁹ ἀδύνατον γὰρ τὰ ἐναντία ἅμα τῷ αὐτῷ ὑπάρχειν.

to

«If the contrary does not follow the contrary either directly or in reverse order, it is clear that neither does one of the terms in the statement follow the other; but if one follows the other in the case of contraries, one term in the statement must also necessarily follow the other.»⁶⁰ (*Topics* B 8, 114a 3–6)

8. *From the greater, lesser and the like degree*

There are also several laws that instantiate principles of predication resting on the greater, lesser and similar degrees to which predicates belong to something. They are principles that do not carry necessary implications, but can still have some argumentative force in virtue of their plausibility. Thus, we find principles that support a relation of predication between terms when used absolutely or with a variation of degree, for example:

«If the increase of the *accident* follows the increase of the subject [...] it is obvious that it is really an *accident* of the subject, but if it does not follow it, it is not an *accident* of it.»⁶¹ (*Topics* B 10, 115a 3–5)

and:

«when a predicate is applied to two subjects [...] if it does not belong to the one to which there is the greater likelihood of its belonging, it does not belong either to the one to which it is less likely to belong.»⁶² (*Topics* B 10, 115a 6–8)

9. *Modal operators and quantifiers*

In the *Topics*, Aristotle also considers the role in argumentation of basic alethic concepts. He focuses on aspects concerning the relationship between modal operators and quantifiers. We find a few principles about the nature and non-exchangeability of some modal operators, as resulting from their extensional applicability. To quote an example, one of the laws states that what is asserted to be of necessity (τὸ ἐξ ἀνάγκη) implies a universal attribution (παντὶ ὑπάρχειν). Also, asserting that a necessary occurrence happens usually (τὸ ὡς ἐπὶ τὸ πολὺ) or vice versa, or declaring that a chance occurrence (τὸ ὅποτερ' ἔτυχεν) happens necessarily or usually denies the ontological characteristics of the modal operators (*Topics* B 6, 112b 1–10).

10. *Diaresis (genus-species)*

Aristotle discusses the relationship genus–species at length in the *Topics*, and several principles rest on it. Certain principles coordinate the attribution of a genus or a species as predicates to a subject, like the following:

⁶⁰ Εἰ οὖν μήτ' ἐπὶ ταῦτά τῷ ἐναντίῳ τὸ ἐναντίον ἀκολουθεῖ μήτε ἀνάπαλιν, δῆλον ὅτι οὐδὲ τῶν ῥηθέντων ἀκολουθεῖ τὸ ἕτερον τῷ ἑτέρῳ· Εἰ δ' ἐπὶ τῶν ἐναντίων, καὶ ἐπὶ τῶν ῥηθέντων ἀναγκαῖον τὸ ἕτερον τῷ ἑτέρῳ ἀκολουθεῖν.

⁶¹ εἰ μὲν γὰρ ἀκολουθεῖ τῇ τοῦ ὑποκειμένου ἐπιδόσει ἡ τοῦ συμβέβηκτος ἐπίδοσις [...] δῆλον ὅτι συμβέβηκεν· εἰ δὲ μὴ ἀκολουθεῖ, οὐ συμβέβηκεν.

⁶² ἐνὸς περὶ δύο λεγομένου, εἰ ᾧ μᾶλλον εἰκὸς ὑπάρχειν μὴ ὑπάρχει, οὐδ' ᾧ ἥττον, καὶ εἰ ᾧ ἥττον εἰκὸς ὑπάρχειν, ὑπάρχει καὶ ᾧ μᾶλλον.

«Of all those things of which the genus is predicated, one of its species must necessarily also be predicated.»⁶³ (*Topics* B 4, 111a 33–34)

Other principles consider the attribution of a predicate to the subject genus and species, for example:

«All the attributes which belong to the species belong also to the genus.»⁶⁴ (*Topics* B 4, 111a 20–21)

11. *Semantics of terms and etymology*

Aristotle mentions some norms linked to the use of terms according to their usage or etymology. Here the principle is that when words mean the same things to most people then they can be described in the language used by the majority (for example, 'healthy' as 'that which is productive of health'). When, however, it is a matter of determining what kinds of things are or are not of such and such a kind, one should use the language of the specialist (for example, that of a doctor for deciding whether the subject under discussion is productive of health).⁶⁵ Similarly with the etymology of terms, in certain cases it is appropriate to replace the current meaning of a term with its etymological definition, for example 'stout-souled' (εὐψυχον) used to mean not 'courageous' (ἀνδρεῖον) but 'a man whose soul is in a good condition (τὸν εὖ τὴν ψυχὴν ἔχοντα).'⁶⁶

Within this category special emphasis is placed on the use in argumentation of those terms that are homonymous and have several meanings (ποσσαχῶς λέγεται), such as 'good', or terms that although not homonymous nevertheless have several meanings, such as 'to be the science of', which can be oriented to the ends of things or to the means to an end.⁶⁷ Such terms are discussed throughout the *Topics*. When they occur either as predicates or subjects, they provide grounds for establishing or refuting standpoints. In the treatise we find principles stating that a predicate which has several meanings must apply to a subject in at least one of these meanings. Similarly if a predicate belongs to a subject that has several meanings it has to belong to at least one of them.⁶⁸

Before we leave the validity of the *topoi*, one last aspect deserves emphasis. The above categorisation should make it clear that not all *topoi* are cogent to an equal degree. And the way Aristotle lists the *topoi* seems to confirm such diversity. In listing the *topoi* for each of the *predicables*, Aristotle always starts with those related to the definition of the *predicable* and oppositions, while the *topoi* based on degrees of similarities among things and predicates appear more

⁶³ ὧν τὸ γένος κατηγορεῖται, καὶ τῶν εἰδῶν τι κατηγορεῖσθαι.

⁶⁴ ὅσα γὰρ τῷ εἶδει ὑπάρχει, καὶ τῷ γένει.

⁶⁵ *Topics* B 2, 110a 19–22.

⁶⁶ *Topics* B 6, 112a 33–35.

⁶⁷ *Topics* B 3, 110b 17–18.

⁶⁸ See, for example, *Topics* B 2, 110a 23ff. and B 3, 110b 16ff.

or less at the end of each book. Indeed, those *topoi* which rest on the definitions of the *predicables* and on oppositions appear more cogent than, for example, those based on the recognition of similarity or on the greater, lesser and similar degrees to which predicates belong to something. Consider the following examples. A speaker wants to show that a certain predicate does not belong to a certain subject. To do so he uses a *topos* that functions on the principle of non-contradiction (like the one at *Topics* B 7, 113a 20–23),⁶⁹ and he tries to show that the contrary of the predicate contained in the proposition at stake belongs to the subject. If the interlocutor indeed accepts as contraries the terms posed by the speaker, and also accepts that the contrary of the predicate belongs to the subject, he is rationally bound to accept that contraries cannot both belong to the same thing at the same time. The principle of non-contradiction appears an unquestionable aspect of the way we perceive and reason about the world. Let us, however, consider the case when a speaker uses the *topos* from the similar degree of belonging of a predicate to two subjects (see *Topics* B 10, 115a 17ff.), and tries to show that the predicate does not belong to the subject because it does not belong to another subject to which it seems to belong in a similar degree. In this case, even if the interlocutor accepts the fact that a certain predicate indeed belongs to two subjects in a similar way and that it does not belong to the one, the compulsion to accept the conclusion that it does not belong to the other is considerably lower. This conclusion would only follow from the acceptance of a law of uniformity (the similar to the similar) that can be difficult to sustain except in legal contexts.

1.3 The Topical Competence

The *Topics* is unanimously placed within the earliest works of Aristotle, and I agree with Slomkowski (1997, 6–7) that Aristotle seems to have revised the text. The nature of this revision does not seem, however, to have been sufficiently appreciated by scholars, who still complain about the rather unattractive, repetitive and sketchy style in which the treatise has been written. In my view, we still lack appreciation of what we should make of the c.300 *topoi* listed in the *Topics*.

In this paragraph, I intend to use Aristotle's words to address the issue of how speakers can in practice utilise the *topoi* to construct arguments. While one would not suggest reading the *Topics* for relaxation on a Sunday afternoon, Aristotle himself seems to have been aware of the difficulty. Thus, in book one of the *Topics* – a posthumous introduction to the method of *topoi* (Brunschiwig 1967, lxxii ff.) – he offers hints for helping readers develop the competence for making an effective use of the whole system of *topoi*. The question of what this dialectical competence involves needs now to be addressed.

⁶⁹ *Supra* 14 and 19.

1.3.1 The Four Organa: In Search of Premises

Let me start by discussing what is wrong with an interpretation of the term *topos* recently offered by Slomkowski in his monographic study of the *Topics* (1997, 45–49) namely that τόποι are what Aristotle in book Θ of the *Topics* calls principles (ἀρχαί) and premises (προτάσεις).⁷⁰ This will lead me to emphasise a fundamental aspect concerning *topoi* that appears to have been overlooked by scholars, but which is central to an appreciation of what competent use of them involves.

We read in *Topics* Θ 14, 163b 22–33:

«One should also try to master the heads under which the arguments mostly tend to fall (πειρατέον δὲ καὶ εἰς ἃ πλειστάκις ἐμπίπτουσιν οἱ λόγοι κατέχειν). For just as in geometry it is useful to be practised in the elements (τὰ στοιχεῖα), and in arithmetic having the multiplication table up to ten at one's fingertips (περὶ τοὺς κεφαλισμοὺς) makes a great difference to one's knowledge of the other numbers too, likewise also in arguments (ἐν τοῖς λόγοις) it is a great advantage to be well up in regard to first principles (τὰς ἀρχάς), and to have a thorough knowledge of protaseis (προτάσεις) by heart. For just as to a trained memory, the mere reference to the places (τόποι) in which they occur causes the things themselves to be remembered, so the above heads will make a man readier in reasoning because he sees them defined and numbered (ταῦτα ποιήσει συλλογιστικώτερον διὰ τὸ πρὸς ὠρισμένας αὐτὰς βλέπειν κατ' ἀριθμόν). A universal protasis (πρότασιν τε κοινὴν) should be committed to memory rather than an argument (λόγον), since it is difficult enough to have a first principle or hypothesis (ἀρχῆς γὰρ καὶ ὑποθέσεως) ready to hand.»⁷¹

According to Slomkowski (1997, 47), in the above passage «Aristotle [...] has *topoi in mind* and describes them as principles and general *protaseis*». Aristotle is there generally saying that speakers should master «that under which the arguments mostly fall» (the εἰς ἃ πλειστάκις ἐμπίπτουσιν οἱ λόγοι of 163b 22–23), that is principles and *protaseis* (the τὰς ἀρχάς καὶ τὰς προτάσεις of 163b 27–28), for they will make a man readier in reasoning. For Slomkowski (1997, 47) the expression εἰς ἃ πλειστάκις ἐμπίπτουσιν οἱ λόγοι is parallel to the expression of *Rhetoric* B 26, 1403a 18–19 where Aristotle says that a *topos* is «something under which many enthymemes fall» (εἰς ὃ πολλὰ ἐνθυμήματα ἐμπίπτει). Hence Slomkowski concludes that «it seems to me to be pretty clear that [...] 'the heads under which', which translates the Greek relative pronoun in the plural ἃ, refers to *topoi*». Slomkowski supports his view by quoting the authority of Alexander and others who had made the same identification. Nevertheless his interpretation has to be rejected. In book Θ of the *Topics* Aristotle is

⁷⁰ Following one of my reviewer's very important remark, I translate the Greek *protaseis* as 'premises' instead of my previous 'propositions'. As the reviewer has, indeed, pointed out «There is a strong case for translating Aristotle's word *protasis* as 'premise' rather than 'proposition' [...] Aristotle never refers to an answerer's thesis (the answer to a *problem*) as a *protasis*, or to the conclusion of a questioner's argument as a *protasis* (except in its role as a premise of some further reasoning). This fact tells strongly against rendering *protasis* as 'proposition', for the answerer's thesis and the questioner's ultimate conclusion (the contradictory of the thesis) are just as much propositions as the premises granted by the answerer and used by the questioner.»

⁷¹ Translation of this passage is by Slomkowski (1997, 46).

not speaking about *topoi*, but about the nature of the *protaseis*, that is the premises out of which arguments are made, and about how to use and present them. This is clearly indicated at the beginning of the book where he specifically says that he has finished with *topoi*, and explicitly distinguishes them from *protaseis*:

«The sources from which the *topoi* should be derived have already been stated (Τοὺς μὲν οὖν τόπους ὅθεν δεῖ λαμβάνειν, εἴρηται πρότερον). We must now deal with arrangement and the framing of questions, after having first distinguished the premises which have to be obtained, other than those which are necessary (περὶ τάξεως δὲ καὶ τοῦ ἐρωτηματίσαι λεκτέον διελόμενον τὰς προτάσεις, ὅσαι ληπτέαι παρὰ τὰς ἀναγκαίας).» (*Topics* Θ 1, 155b 17–20)

In the context of book Θ, what Aristotle points out in 163b 22–33 is that speakers should memorise definitions, general premises and principles (the foundations of specific disciplines), which, precisely because of their generality, may be useful for discussing a wider number of cases. In other words, in the *Topics* – as also in the *Rhetoric*, as I shall demonstrate – there is a clear and fundamental distinction between *topoi* and *protaseis* that must be grasped. Lack of recognition of this point can lead to a general misunderstanding of the whole method of *topoi*.

Indeed, a few years before Slomkowski, Sainati (1993, 98–117) likewise failed to recognise the exact relationship between *topoi* and premises. This led him to misleadingly interpret the *Topics* as a treatise containing two different methodologies developed by Aristotle in two different stages: an ancient topic, that of the *topoi*, and a recent topic, that of the *protaseis*. As a consequence, he erroneously considers book Θ as affected by significant contradictions. This relationship between *topoi* and *protaseis* requires further investigation.

As has been shown, the *topoi* are abstract argument schemes which are mostly related in a formal way to the predicates and subjects of propositions in question. To discuss a real-life *problem* effectively, it is thus necessary to apply the *topoi* to appropriate subject matters. Returning to one of the cases presented above, when a speaker wants to demolish the thesis “The good man can be envious”, which involves a question of *accident*, he has first to choose what he considers as an appropriate *topos* of *accident*,⁷² for example:

«Another commonplace is to make definitions both of the *accident* and of that to which it belongs (τὸ λόγους ποιεῖν τοῦ τε συμβεβηκότος καὶ ᾧ συμβέβηκεν), either of both separately or one of them, and then see if anything untrue has been assumed as true in the definitions (εἴ τι μὴ ἀληθές ἐν τοῖς λόγοις ὡς ἀληθές εἰληπται).» (*Topics* B 2, 109b 30–33).

This *topos* suggests that speakers should argue by observing consistency among the definitions of subjects and predicates. Now this strategy only gives the structure of the argument to be constructed in order to establish the given thesis, that is:

⁷² Thus in *Topics* Θ 1, 155b 2–3 Aristotle writes: «He who is about to ask questions must, first of all, choose the *topos* from which he must make his attack (τὸν τόπον εὑρεῖν ὅθεν ἐπιχειρητέον).».

If X belongs to Y, X (or definition of X) is consistent with Y (or definition of Y);
 X (or definition of X) is not consistent with Y (or definition of Y);
 X does not belong to Y.

It is clear, however, that in order to effectively persuade the interlocutor, the speaker has to apply this *topos*. He has to use a definition of 'envious' or 'envy' and show that it is incompatible with the meaning of 'good man'. This definition must be accepted by the interlocutor and, as such, it has to have some strength and authority: it cannot just be made up carelessly.

This example shows that arguments ultimately derive from premises that put forward specific contents, and it is the ability to find these premises that enables speakers to argue actual cases. Readers can experience this for themselves. Try to use any of the *topoi* listed in the *Topics* to discuss a certain subject with someone. If you do not master a body of relevant material on the topic at stake, any *topos* chosen will be of no use; if you use inadequate material, your efforts will be vain! But if speakers have adequate material at their disposal, knowing the *topoi* will help them structure this material in an efficient argumentative framework.

Aristotle makes this point quite explicit in *Topics* A 13, 105a 21 ff., where he instructs speakers on how to obtain the premises of arguments. This comes in the section of book A of the *Topics* where Aristotle discusses the so-called four *organa* (ὄργανα), which are precisely devices – grouped under four heads – for having *protaseis* at one's disposal or constructing them. That the *organa* ultimately help provide the matter for the application of the *topoi* is clearly stated at the very end of the book:

«Such, then, are the *organa* by which reasonings are carried out (Τὰ μὲν οὖν ὄργανα δι' ὧν οἱ συλλογισμοὶ ταῦτ' ἐστίν). The *topoi* for the application of which the said *organa* are useful are our next subject (οἱ δὲ τόποι πρὸς οὓς χρήσιμα τὰ λεχθέντα οἶδε εἰσίν).» (*Topics* A 18, 108b 32–33)⁷³

The passage where the four *organa* are presented goes as follows:

«The means by which we shall obtain an abundance of reasonings (Τὰ δ' ὄργανα δι' ὧν ἐυπορήσομεν τῶν συλλογισμῶν) are four in number: (1) the provision of *premises*⁷⁴ (τὸ προτάσεις λαβεῖν), (2) the ability to distinguish in how many sense a particular expression is used (ποσαχῶς [ἕκαστον] λέγεται δύνασθαι διελεῖν), (3) the discovery of differences (τὰς διαφορὰς εὐρεῖν) and (4) the investigation of similarities (ἡ τοῦ ὁμοίου σκέψις). The last three of these are also in a sense *premises* (τὰ τρία τούτων προτάσεις); for it is possible to make a premise in accordance with each of them (καθ' ἕκαστον αὐτῶν ποιῆσαι πρότασιν). For example, we can say (a) "An object of choice is the honourable or the pleasant of the expedience", (b) "Sensation differs from knowledge, because it is possible to recover the latter when one has lost it but not the former", and (c) "The healthy stands in the same relation to health as the sound to soundness." The first *premise* is derived from the use of

⁷³ On this passage see Primavesi (1996, 85 n. 9) *contra* Brunschwig (1967, 33).

⁷⁴ Italics in this passage is mine. Forster in this passage translates the term *protaseis* with 'propositions'. I have replaced this translation with 'premises' in line of the overall orientation of the book.

a word in several senses (πρώτη πρότασις ἀπὸ τοῦ πολλαχῶς λεγομένου), the second from differences (ἡ δὲ δευτέρα ἀπὸ τῶν διαφορῶν), and the third from similarities (ἡ δὲ τρίτη ἀπὸ τῶν ὁμοίων).» (*Topics* A 13, 105a 21–33)

Both De Pater and Primavesi correctly understand that the *organa* are relevant for collecting the contents of arguments,⁷⁵ but neither of them really shows how the *organa* work in connection with the *topoi*. Moreover, since Slomkowski (1997, 54–58) misunderstood the role of the *organa* and forces an identification between *topoi* and *organa*, and between *organa* and *protaseis*, in order to prove that *topoi* are *protaseis*,⁷⁶ the issue merits further clarification.

1.3.1.1 The First *Organon*: Collecting *Endoxa*

The first *organon*, which is explained in detail in *Topics* A 14, 105a 34–105b 37, suggests that speakers should collect propositions that are shared broadly by people, namely the *endoxa*. Before reading the passage where Aristotle discusses this point, I shall first concentrate on the concept of *endoxon* (plural: *endoxa*), which holds a central position both in the *Topics* and in Aristotle's philosophical system generally and that so far I have intentionally left out of my examination. The passage which best explains the notion of an *endoxon* is found in the very first book of the *Topics*, namely in A 1, 100b 21–23:

«Generally accepted opinions (ἔνδοξα) [...] are those which commend themselves to all or to the majority or to the wise (τὰ δοκούντα μᾶσιν ἢ τοῖς πλείστοις ἢ τοῖς σοφοῖς) that is, to all of the wise or to the majority or to the most famous and distinguished of them (ἢ πᾶσιν ἢ τοῖς πλείστοις ἢ τοῖς μάλιστα γνωρίμοις καὶ ἐνδόξοις).»

Endoxical propositions basically express those views that are plausible and reputable and because they are granted by all of the majority, or by the wise or by scientists.⁷⁷ To enrich readers' understanding of what counts as *endoxon*, Aristotle goes

⁷⁵ See De Pater (1965, 151–162) and Primavesi (1996, 85). In particular De Pater (1965, 162) points out that the role of the *organa* «est celle d'une étude (d'habitude préparatoire) pour arriver à des données matérielles. La méthodologies des instruments enseigne comment il faut rédiger pour soi même des recueils d'opinions (comment les choisir, les ordonner, les élargir) afin de se présenter bien préparé sur le champ de la discussion [...]».

⁷⁶ As Slomkowski (1997, 58) writes: «We have seen that *organa* are investigation-instructions of a similar structure to the *topoi*. It might thus be inferred that to *topoi* too, corresponding *protaseis* can be produced and that *topoi* are in a way *protaseis*.» It is noteworthy that the difference between *organa* and *protaseis* has been already explained by Alexander in his commentary (*in Topicorum* 88. 6–11): οὐ τὰς προτάσεις λέγων ὄργανα τῶν διαλεκτικῶν λόγων· μέρη γὰρ αὐταὶ καὶ τῶν συλλογισμῶν καὶ τῶν ἐπαγωγῶν· οὐκ ἔστι δὲ τὰ μέρη τινὸς ὄργανα ἐκείνου· ἀλλὰ ὄργανον λέγει τὸ δι' οὗ δυνάσμεθα προτάσεων εὐπορεῖν· οὐ γὰρ αἱ προτάσεις ἀλλὰ τὸ εὐπορεῖν προτάσεων ποιοῦν δύνασθαι ὄργανον.

⁷⁷ On the concept of *endoxon* see esp. Preti (1968, 172–175), Mignucci (1981, 196–198), Evans (1977, 77–85), Primavesi (1996, 40–47), Slomkowski (1997, 19–22) and Tardini (2005).

on in *Topics* A 9, 104a 2ff., to explain all those propositions that in virtue of an analogical or logical relation with the basic definition of the term are also *endoxa*. He proposes a typology composed of kinds of *endoxa* that also includes those contents that are endoxical not in virtue of their being generally accepted, but because they are supported by the authority of those who have a technical expertise in a field. In particular, propositions are *endoxa* when they express:

1. generally accepted opinions;
2. views which are similar to accepted opinions (τὰ τοῖς ἐνδόξοις ὅμοια);
3. propositions which contradict the contrary of accepted opinions (τὰναντί κατ'ἀντίφασιν τοῖς δοκοῦσιν ἐνδόξοις);
4. propositions where contraries are stated about contraries (τὸ ἐναντίον περὶ τοῦ ἐναντίου);
5. propositions which accord with expertise (δόξαι κατὰ τέχνας).

Aristotle gives examples of each of these:

« [...] if it is a received opinion that there is single art of grammar (εἰ μίαν ἀριθμῶ γραμματικὴν εἶναι), it might seem to be a received opinion that there is also only one art of flute-playing (καὶ αὐλητικὴν μίαν), whereas if it is a received opinion that there is more than one art of grammar (εἰ δὲ πλείους γραμματικάς), it might seem to be a received opinion that there is also more than one art of flute-playing (καὶ αὐλητικὰς πλείους); for all these seem to be similar and akin. In like manner, also, propositions made by way of contradicting the contrary of received opinions will seem to be received opinions; for if it is a received opinion that one ought to do good to one's friends (δεῖ τοὺς φίλους εὖ ποιεῖν), it will also be a received opinion that one ought not to do them harm (οὐ δεῖ κακῶς ποιεῖν). Now that we ought to harm our friends is contrary to the received opinion, and this state in a contradictory form is that we ought not to harm our friends [...] The contrary stated about the contrary in a comparison will also appear to be a received opinion; for example, if we ought to do good to our friends (τοὺς φίλους δεῖ εὖ ποιεῖν), we ought also to do harm to our enemies (τοὺς ἐχθροὺς δεῖ κακῶς) [...] It is also obvious that all opinions which accord with the arts are dialectical propositions; for one would accept the opinions of those who have examined the subjects in question. For example, on questions of medicine one would think as the doctor thinks (περὶ τῶν ἐν ἰατρικῇ ὡς ὁ ἰατρός) and in matters of geometry as the geometrician thinks (περὶ δὲ τῶν ἐν γεωμετρίᾳ ὡς ὁ γεωμετρικός), and so too with the other arts.» (*Topics* A 10, 104a 17 – 37)

As an aid to collect *endoxa*, Aristotle suggests selecting ideas from written discussions (Ἐκλέγειν δὲ χρή καὶ ἐκ τῶν γεγραμμένων λόγων) and making descriptions of possible topics of discussion (τάς δὲ διαγραφὰς ποιείσθαι περὶ ἐκάστου γένους ὑποτιθέντας χωρὶς) – as I shall explain later, he will do this himself in his *Rhetoric*. Similarly, another way to have propositions at one's disposal is to take notes of the opinions of reputable individuals (Παρασμηναίνεσθαι δὲ καὶ τὰς ἐκάστων δόξας [...] θείη γὰρ ἂν τις τὸ ὑπὸ τίνος εἰρημένον ἐνδόξου).⁷⁸

I envisage two main reasons why Aristotle advises dialecticians to use *endoxa* as premises: a rhetorical reason, and a more epistemological one. As for the first

⁷⁸ *Topics* A 14, 105a 34 – 105b 18.

reason, since the questioner depends on the respondent's accepting the premises used, he will be helped if his premises represent propositions – like the *endoxa* – whose truth is widely accepted. As Aristotle stresses in *Topics* A 10, 104a 5–8, no one would accept a premise which is no one's opinion (οὐδεὶς γὰρ ἂν προτείνειε νοῦν ἔχων τὸ μηδενὶ δοκοῦν). Rhetorically speaking, therefore, using *endoxa* is a manoeuvre designed to conduct a dispute in a way which is favourable to the arguer's position. *Endoxa* are part of the 'topical potential' (van Eemeren & Grootendorst 2004) to win a discussion.

As for the more epistemological reason, this can be explained by going back to the source from which the Academic dialectical debates originated. As Primavesi (1996, 48) has already noted, dialectical debates were a formalised version of the Socratic conversations. Without entering into too much detail on what these conversations were, one needs some clarification if one is to understand their link with the *Topics*.

Strategies of Argumentation in Socrates' Cross Examination

Socrates' method was oriented towards revealing inconsistencies among the beliefs of those to whom he was talking. Interlocutors were tested for their claimed expertise on a certain subject – such as 'bravery', 'piety' or 'self-control'. The general pattern of the discussion was that some specific question concerning a subject (for example, "Is X brave?") proved problematic in the absence of an agreed definition of the subject (X). But when Socrates' interlocutors were asked to give a definition, they were unable to answer in a way that could stand a critical examination.⁷⁹ Beginning from the portrait of Socrates given in Plato's dialogues, we can extrapolate those features typical of the Socratic doctrine and method of argument and find them restructured in the dialectical debates: that is (1) asking questions of the interlocutor and refuting his answers; and (2) demanding short answers, as opposed to the display speech characteristic of the Sophistic rhetorical style. Moreover, (3) the focus of the discussion was on generally shared opinions – the *endoxa* – or on the opinions held by interlocutors (Reale 2000, 127–183), from which the Aristotelian emphasis arises. However, the influence of Socrates was even stronger than is often thought. Socrates' cross-examination (his method of questioning known as *elenchus*) and his emphasis on the definition of a concept forced the interlocutor to reflect on his arguments and on the weakness or strength of the propositions offered in support of certain standpoints. As Reale (2000, 142–145) explains well, Socrates broke with the poetical tradition of speaking through metaphors, commonplaces and aphorisms, and imposed on his interlocutors a reasoned way of expression, where they had to be more conscious of the standards of rationality in place. Neither Socrates nor Plato, however, developed a new terminology for analysing and constructing arguments of this sort. It was Aristotle who performed this task by systematising the

⁷⁹ See, in particular, Vlastos (1983), Benson (2000) and Reale (2000).

four *predicables* and producing the set of *topoi*. Within this framework, passages of Plato's dialogues seem to indicate that the topical method itself was developed in light of certain Socratic patterns of argumentation. An extract from Plato's *Laches*, where the distinguished general Laches tries to define the concept of 'bravery', can be quoted as an example. The following passage shows that Socrates applied some of the patterns that Aristotle will then formalise as *topoi*, alongside revealing how the dialectical exchange between *topoi* and *endoxa* can develop in a discussion:

- «**SOCRATES:** And now, Laches, do you try and tell me in like manner, what is that common quality which is called bravery, and which includes all the various uses of the term when applied both to pleasure and pain, and in all the cases to which I was just now referring?
- LACHES:** I should say that bravery is a sort of endurance of the soul (Δοκεῖ τοῖς νουν μοι καρτερία τις εἶναι τῆς ψυχῆς), if I am to speak of the universal nature which pervades them all.
- SOCRATES:** But that is what we must do if we are to answer the question. And yet I cannot say that every kind of endurance is, in my opinion, to be deemed bravery (οὐ τι πᾶσά γε, ὡς ἐγὼμαι, καρτερία ἀνδρεία σοι φαίνεται). Hear my reason: I am sure, Laches, that you would consider courage to be a very noble quality (ὅτι τῶν πάνυ καλῶν πραγμάτων ἡγεῖ σὺ ἀνδρείαν εἶναι).
- LACHES:** Most noble, certainly (Εὖ μὲν οὖν ἴσθι ὅτι τῶν καλλίστων).
- SOCRATES:** And you would say that a wise endurance is also fine and good (Οὐκοῦν ἡ μὲν μετὰ φρονήσεως καρτερία καλὴ κἀγαθή;)?
- LACHES:** Indeed (Πάνυ γε).
- SOCRATES:** But what would you say of a foolish endurance (Τί δ' ἡ μετ' ἀφροσύνης)? Is not that, on the other hand, to be regarded as evil and hurtful (βλαβερὰ καὶ κακοῦργος)?
- LACHES:** True (Ναί).
- SOCRATES:** And is anything noble which is damaging and detrimental (Καλὸν οὖν τι φήσεις σὺ εἶναι τὸ τοιοῦτον, ὃν κακοῦργόν τε καὶ βλαβερόν)?
- LACHES:** I ought not to say that (Οὐκ οὖν δίκαιόν γε), Socrates.
- SOCRATES:** Then you would not admit that sort of endurance to be bravery, for it is not fine, but bravery is fine (ἐπειδὴ περ οὐ καλὴ ἐστίν, ἡ δ' ἀνδρεία καλὸν ἐστίν)?
- LACHES:** You are right (Ἀληθὴ λέγεις)». (*Laches* 192b-d)⁸⁰

In the above passage, Laches defines bravery as 'endurance'. But Socrates argues that 'not every kind of endurance is bravery'; he proves that 'endurance with foolishness is not bravery'. The reasoning develops in three steps.

Firstly, Socrates establishes the proposition 'Endurance accompanied by foolishness is damaging and detrimental' by leading Laches to agree that 'Endurance accompanied by wisdom is fine and good'. This last proposition was an *endoxon* in the Greek

⁸⁰ Text after Croiset (1936), translation by Lamb (1924).

world, and Laches accepts it without requiring further proof («Indeed»). Once Laches has accepted it, he is also invited to accept the conclusion that Socrates wants to prove («But what would you say of a foolish endurance. It is not to be regarded as evil and hurtful?»). Socrates' argument is an application of an argument scheme that Aristotle will then call '*topos* from contraries'. The scheme suggests that speakers should establish or refute the attribution of an *accident* to a subject, by showing that the contrary of the *accident* belongs or does not belong to the contrary of the subject.⁸¹ In the above passage, the subject 'endurance accompanied by foolishness' is presented as the contrary of the subject 'endurance accompanied by wisdom' and the predicates 'damaging and detrimental' are presented as the contraries of the predicates 'fine and good'. Thus, since the predicates 'fine and good' belong to the subject 'endurance accompanied by wisdom', the contraries of the predicates will belong to the contrary of the subject.

Secondly, having established that 'Endurance with foolishness is damaging and detrimental', Socrates then assumes as an *endoxon* that 'A thing which is detrimental and damaging is not fine' and which Laches accepts without requiring further proof («I ought not to say that, Socrates »).

Thirdly, Socrates establishes that 'endurance with foolishness' is not bravery by using a strategy that Aristotle presents as a *topos* in *Topics* H 1, 152a 33–37, that is:

«Furthermore, you must examine them [*scil.* two things said to be the same] from the point of view of their *accidents* (Ἐτι ἐκ τῶν τούτοις συμβεβηκότων) or of the things of which they are *accidents* (οἷς ταῦτα συμβέβηκεν); for any *accident* of the one must also be an *accident* of the other (ὅσα γὰρ θατέρῳ συμβέβηκε, καὶ θατέρῳ δεῖ συμβεβηκέναι), and, if the one of them is an *accident* of something else, so must the other be also. For, if there is any discrepancy on these points (εἰ δέ τι τούτων διαφωνεῖ), obviously they are not the same (οὐ ταῦτά).»

The above strategy suggests that speakers should refute premises stating that two things are the same, by showing that an *accident* of the one is not an *accident* of the other. Thus, Socrates, in his argument, argues that 'endurance with foolishness' is not the same as 'bravery', because 'to be fine' belongs to 'bravery', but not to 'endurance with foolishness' («Then you would not admit that sort of endurance to be bravery— for it is not fine, but bravery is fine »).

The above digression is important to fully grasp the nature of the Aristotelian contribution to the method of dialectical discussion. Aristotle did not create an entire discipline fresh, but he systematized a style of argument already implicit in a more informal way in earlier Greek thought.

1.3.1.2 The Other *Organa*

Having dealt with the first *organon*, I can now proceed to explain the other three.

The second *organon* instructs how to recognise if a term has several senses (δεύτερον δέ ποσυχῶς [ἑκάστον] λέγεται δύνασθαι διελεῖν), for this facilitates the

⁸¹ *Supra* 27.

application of those *topoi* which are based on distinguishing these several senses. The following is an example:

«If there is no concealing the fact that a term has a variety of meanings (πολλαχῶς λεγόμενον), you must distinguish all of them and then proceed to demolish or confirm it (διελόμενον ὅσαχῶς λέγεται, καὶ ἀναρεῖν καὶ κατασκευάζειν). For example, if the 'right' (τὸ δεόν) is the 'expedient' (τὸ συμφέρον) or the 'honourable' (τὸ καλόν), we must try to confirm or demolish both of these terms as applied to the subject under discussion, showing that it is honourable and expedient, or that it is neither honourable nor expedient. For if it is impossible to show both, we must show one, indicating also that one is true and the other not true.» (*Topics* B 3, 110b 8–15)

Moreover, the ability to recognise different meanings helps produce *protaseis* that are directed to the thing under investigation and no other, and avoid speakers being misled. As he writes:

«It is useful to have examined the various meanings of a term both with a view to clarity (πρὸς τε τὸ σαφές) (for a man would know better what he is stating if the various senses in which it can be used had been made clear), and also in order that his reasonings may be directed to the actual thing and not to the name by which it is called (πρὸς τὸ γίνεσθαι κατ' αὐτὸ τὸ πρᾶγμα καὶ μὴ πρὸς τὸ ὄνομα τοῦς συλλογισμούς) [...] It is also useful so that one may not be misled and that one may mislead others by false reasoning (πρὸς τὸ μὴ παραλογισθῆναι καὶ πρὸς τὸ παραλογίσασθαι). For if we know the various senses in which a term can be used, we shall never be misled by false reasoning, but we shall be aware of it if the questioner fails to direct his argument to the same point [...]» (*Topics* A 18, 108a 18–24)

Again, in clarifying the second *organon*, Aristotle helps speakers on how to detect ambiguity of meaning, by utilizing basic dialectical concepts that are widespread in the *Topics*.⁸² For example, speakers can notice whether a term is used in one kind of sense only or in many by observing the following:

- The contraries of the terms: if one term has contraries with different meanings, then the term under consideration likewise has multiple senses. For example, the contrary of sharp (τὸ ὀξύ) when used of a note is 'flat' (τὸ βαρύ), when it is used of a material substance, it is 'dull' (τὸ ἀμβλύ). 'Sharp' itself will then have different meanings, it will not be the same when it is the contrary of 'blunt', and when it is the contrary of 'flat' (*Topics* A 15, 106a 12–20).
- Inflected forms of words: when the word itself is used in several senses, the inflexion will also be used in several senses and vice versa. For example, if 'healthy' (τὸ ὑγιεινόν) has several senses, such as 'producing health' (τὸ ὑγείας ποιητικόν), 'preserving health' (τὸ ὑγείας φυλακτικόν) and 'denoting health' (τὸ ὑγείας σημαντικῶς), so also will 'healthily' (ὑγιεινῶς), namely 'in a manner which produces health' (τὸ ὑγιεινῶς ποιητικῶς), 'in a manner which preserves health' (τὸ ὑγιεινῶς φυλακτικῶς) or 'in a manner which denotes health' (τὸ ὑγιεινῶς σημαντικόν) (*Topics* A 15, 106b 33–37).
- The ambiguity of definitions: it can happen that definitions contain terms that are equivocal. For example, if someone defines that what denotes and what produces

⁸² See *Topics* A 15, 106a 9 – 107b 37.

health are ‘commensurably related to health’ (τό συμμέτρως ἔχον [πρὸς ὑγίειαν] φῆ εἶναι), the term ‘commensurably’ is ambiguous. In relation to what produces health it means ‘of the requisite quantity to produce health’ (τό τοσοῦτον εἶναι ὥστε ποιεῖν ὑγίειαν), while in relation to what denotes health it means ‘of the requisite quality to denote of what kind the state is which is present’ (τό τοιοῦτον οἶον σημαίνειν ποία τις ἡ ἔξις) (*Topics* A 18, 107b 7–14).

The third *organon* suggests that speakers should know how to recognise the differences between concepts (τρίτον τὰς διαφορὰς εὐρεῖν), paying attention to those concepts that belong to the same or related genera and that, as such, can be mixed up:

«The difference must be viewed in their relation with one another both in the genera themselves (ἐν αὐτοῖς τε τοῖς γένεσι πρὸς ἀλλήλα θεωρητέον) – for example, “In what does justice differ from courage and wisdom from temperance?” (for all these belong to the same *genus*) – and also from one *genus* to another, where they are not too widely separated (ἐξ ἄλλου πρὸς ἄλλο τῶν μὴ πολὺ λίαν διεστηκότων) – for example, “In what does sensation differ from knowledge?” – for where the genera are widely separated, the differences are quite obvious (ἐπὶ [...] τῶν πολὺ διεστηκότων κατάδηλοι παντελῶς αἱ διαφοραί).» (*Topics* A 16, 107b 40 – 108a 6)

By knowing what the differences are speakers can more easily choose the premises for reasoning about sameness and difference (for example, the premises which Socrates uses to establish that ‘endurance with foolishness’ is not the same as ‘bravery’). More generally, differentiating a certain concept from another enhances the identification of their respective essences (*Topics* A 18, 108a 38–108b 6).

Finally, the fourth *organon* suggests how to examine similarity in things (τέταρτον δέ ἡ τοῦ ὁμοίου σκέψις). This is the reverse of the recognition of differences: speakers are here invited to practice discovering similarities among things which belong to different or widely separated genera. This discovery is a difficult task, since certain similarities are not apparent at first sight:

«Likeness must be examined in things belonging to different genera (ἐπὶ τε τῶν ἐν ἐτέροις γένεσιν) – as A is to B, so is C to D (ὡς ἕτερον πρὸς ἕτερόν τι, οὕτως ἄλλο πρὸς ἄλλο) (for example, ‘As knowledge is related to the object of knowledge, so is sensation related to the object of sensation’), and also, as A is in B, so is C in D (ὡς ἕτερον ἐν ἐτέρῳ τινί, οὕτως ἄλλο ἐν ἄλλῳ) (for example, ‘As sight is in the eye, so is reason in the soul’ and ‘As is calm in the sea, so is absence of wind in the air’). In particular we must have practice in dealing with genera which are widely separated (μάλιστα δ’ ἐν τοῖς πολὺ διεστῶσι γυμνάζεσθαι δεῖ); for in the other cases we shall be able to detect the similarities more readily (ῥᾶπον [...]) δυνησόμεθα τὰ ὅμοια συνορᾶν).» (*Topics* A 18, 108a 7–14)

The ability to recognise similarities in things is useful for constructing inductive reasonings, for establishing definitions (in fact, it helps to individuate the genus of several species),⁸³ and for choosing the right propositions for applying *topoi* like the following:

⁸³ Thus *Topics* A 18, 108b 7–22: «The consideration of similarity is useful both for inductive arguments and for hypothetical reasoning and also for the assignment of definitions (Ἡ δὲ τοῦ ὁμοίου

«The rule in question is useful for both purposes; for if it be as stated in the case of some one like thing, it is so with the other like things as well (εἰ μὲν γὰρ ἐπὶ τινος τῶν ὁμοίων οὕτως ἔχει, καὶ ἐπὶ τῶν ἄλλων τῶν ὁμοίων), whereas if it be not so in the case of some one of them, neither is it so in the case of the others (εἰ δ' ἐπὶ τινος μὴ, οὐδ' ἐπὶ τῶν ἄλλων).» (*Topics* B 9, 114b 25–31)

This *topos* is a logical scheme which is useful to establish or refute propositions by showing either that the predicate being examined belongs or does not belong to a subject which is similar to the subject being examined, or that a predicate which is similar to the predicate being examined belongs or does not belong to a subject which is similar to the subject being examined (Primavesi 1996, 254–246). These tasks presuppose finding out similarities between two subjects or two predicates.

The fourth *organon* ends the description of the ways to find the propositions required for the application of the *topoi*. However, dialectical competence – the topic of this chapter – also involves expertise in other areas, as I shall illustrate in the following section.

1.3.2 The Most Opportune Topoi

Readers of the *Topics* cannot avoid noting, and sometimes complain about, the fact that the treatise is often repetitive; certain *topoi* occur identically in each of the central books of the treatise, in dealing with each *predicable*. Thus, for example, the *topos* from contraries, presented as a strategy which is useful for dealing with questions of *accident*, *genus*, *property* and *definition*, is found in each of the related books:

(a) For the *accident*:

«You must look with regard to contraries whether contrary follows upon contrary, either directly or in reverse order [...] (σκοπεῖν εἰ τῷ ἐναντίῳ τὸ ἐναντίον ἔπεται, ἢ ἐπὶ ταῦτα ἢ ἀνάπαλιν, καὶ ἀναιροῦντι καὶ κατασκευάζοντι).» (*Topics* B 8, 113b 27–114a 6)

(b) For the *genus*:

«If there is a contrary to the genus, you must see whether the contrary of the species is in the contrary genus (σκοπεῖν εἰ τὸ ἐναντίον ἐν τῷ ἐναντίῳ); for the contrary species must necessarily be in the contrary genus if the genus has a contrary.» (*Topics* Δ 3, 123b 4–7)

(c) For the *property*, using the example of ‘injustice’ as contrary to ‘justice, and ‘the greatest evil’ as contrary to the ‘greatest good’:

θεωρία χρήσιμος πρὸς τε τοὺς ἐπακτικούς λόγους καὶ πρὸς τοὺς ἐξ ὑποθέσεως συλλογισμούς καὶ πρὸς τὴν ἀπόδοσιν τῶν ὁρισμῶν). For inductive reasoning it is useful because we maintain that it is by induction of particulars on the basis of similarities that we infer the universal [...] It is useful for hypothetical reasoning, because it is an accepted opinion that whatever holds good of one of several similars, holds good also of the rest [...] It is useful for the assignment of definitions because, if we can see what is identical in each particular case, we shall have no doubt about the genus in which we must place the subject under discussion when we are defining it.»

«You must examine on the basis of opposites and, in the first place, of contraries and, for destructive criticism, see whether the contrary of the term fails to be a *property* of the contrary subject (πρῶτον μὲν ἐκ τῶν ἐναντίων ἀνασκευάζοντα μὲν εἰ τοῦ ἐναντίου μὴ ἔστι τὸ ἐναντίον ἴδιον); for then neither will the contrary of the former be a *property* of the contrary of the latter (οὐδέ γὰρ τοῦ ἐναντίου ἔσται τὸ ἐναντίον ἴδιον). For example, since injustice is contrary to justice, and the greatest evil is contrary to the greatest good, but it is not a *property* of ‘justice’ to be ‘the greatest good’ then the ‘greatest evil’ would not be a *property* of ‘injustice’.» (*Topics* E 6, 135b 7–16)

- (d) For the *definition*, using the example of ‘beneficial’ as ‘productive of good’ and ‘harmful’ as ‘productive of evil’:

«[...] in the case of contraries [...] for the description which is contrary according to one of the modes of conjunction of contraries will describe the contrary term (καὶ ἐπὶ τῶν ἐναντίων δ’ ὡσαύτως· ὁ γὰρ ἐναντίος τοῦ ἐναντίου λόγος ἔσται κατὰ μίαν τινὰ συμπλοκὴν τῶν ἐναντίων) [...] For example, if ‘beneficial’ is ‘productive of good’, ‘harmful’ is ‘productive of evil’ or ‘destructive of good’; for one of these must necessarily be the contrary of the original term. If, then, neither of them is the contrary of the original term, obviously neither of the descriptions assigned later could be the description of the contrary of that term, so neither has the description originally assigned been assigned correctly.» (*Topics* Z 9, 147a 31–35)

On the other hand, other *topoi* are useful only for dealing with a specific *predicable* – like the following one, whose application is limited to questions of properties:

«For destructive purposes, you must see whether your opponent has stated a thing itself as a *property* of itself (εἰ αὐτοῦ ἴδιον ἔθηκεν); for then what is stated to be a *property* will not be a *property*. For a thing itself always shows its own essence, and that which shows the essence is not a *property* but a *definition* (αὐτὸ γὰρ αὐτῷ πᾶν τὸ εἶναι δηλοῖ· τὸ δὲ εἶναι δηλοῦν οὐκ ἴδιον ἀλλ’ ὅρος ἐστίν).» (*Topics* E 5, 135a 9–12)

In the *Topics*, Aristotle seems to be aware of the distinction just made between the “most general” and “*predicable*-related *topoi*”; indeed he underlines that speakers should practice in particular with the first group of *topoi* because they are the “most opportune” (ἐπικαιρότατοι) and “most general” (μάλιστα κοινούς) ones:

«These therefore are those [*topoi*] which it is most important to master and to have ready to hand (δεῖ μάλιστα κατέχειν καὶ προχείρους ἔχειν τούτους): for they are the most useful on the greatest number of occasions (χρησιμώτατοι γὰρ πρὸς πλείστα).» (*Topics* H 4, 154a 13–15)

I agree with Slomkowski (1997, 140) that the “most opportune” *topoi* include, in particular, those that occur in every central–end part of the books of *Topics*, which can be useful for the construction or destruction of theses containing any of the four *predicables*, namely:

- from definition (τό λόγους ποιεῖν),
- from four oppositions of terms (ἀντίθεσεις τέτταρες),
 - from contradictories (ἐπὶ τῶν ἀντιφάσεων),
 - contraries (τῶν ἐναντίων),
 - privation and possession (τῶν στερήσεων καὶ ἔξεων),

- relatives (τῶν πρὸς τι),
- from co-ordinates and inflections (ἐπὶ τῶν συστοίχων καὶ ἐπὶ τῶν πτώσεων),
- from the case of like things (ἐπὶ τῶν ὁμοίων),
- from the greater and lesser degree (ἐκ τοῦ μᾶλλον καὶ ἥττον),
- from the like degree (ἐκ τοῦ ὁμοίως).

Examples of these *topoi* are spread throughout the *Topics*.⁸⁴ Since these *topoi* are *predicable*-independent, they can be applied without any knowledge of the concept of *predicable*. As such, knowledge of these *topoi* secures a basic set for approaching the construction of virtually any argument. In the following chapters, I will explore these issues at length, since they have several crucial implications for the way the method of the *Topics* developed in Aristotle's *Rhetoric* as well as in the post-Aristotelian tradition. With this in mind, we can now proceed to analyse what Aristotle has made out of the *Topics* for purposes other than the dialectical-game competitions.

⁸⁴ See *supra* 37–41, where there is an illustration of the principles on which these *topoi* rest, and the analysis of them by Slomkowski (1997, 140–150).

Chapter 2

Dialectical and Rhetorical Uses of *Topoi*

2.1 The Mandate of *Topics A*, 2

Aristotle, as has been shown, originally developed the method of *τόποι* to enable speakers to argue in dialectical debates. Yet, in *Topics A* 2, 101a 25 – 101b 4 he explicitly admits that the treatise has a value outside the context of dialectical debates:

«[...]the next point is to explain for how many and for what purposes this treatise is useful. They are three in number, training in disputation (πρὸς γυμνασίαν), casual conversations (πρὸς τὰς ἐντεύξεις) and the philosophical sciences (πρὸς τὰς κατὰ φιλοσοφίαν ἐπιστήμας). That it is useful for training in disputation is obvious on the face of it; for if we have a method, we shall be able more easily to argue about the subject proposed (μέθοδον γὰρ ἔχοντες ῥᾶον περὶ τοῦ προτεθέντος ἐπιχειρεῖν δυνησόμεθα). It is useful for conversations, because, having enumerated the opinions of the majority, we shall be dealing with people on the basis of their own opinions (τὰς τῶν πολλῶν κατηριθμημένοι δόξας), not of those of others, changing the course of any argument which they appear to us to be using wrongly. For the philosophic sciences it is useful, because, if we are able to raise difficulties on both sides, we shall more easily discern both truth and falsehood on every point (δυνάμενοι πρὸς ἀμφοτέρα διαπορῆσαι ῥᾶον ἐν ἐκάστοις κατοφόμεθα τἀληθές τε καὶ τὸ ψεῦδος). Further, it is useful in connection with the ultimate bases of each science (πρὸς τὰ πρῶτα τῶν περὶ ἐκάστην ἐπιστήμην); for it is impossible to discuss them at all on the basis of the principles peculiar to the science in question, since the principles are primary in relation to everything else (αἱ ἀρχαὶ ἀπάντων εἰσὶ), and it is necessary to deal with them through the generally accepted opinions on each point (διὰ δὲ τῶν περὶ ἕκαστα ἐνδόξων ἀνάγκη περὶ αὐτῶν διελθεῖν). This process belongs peculiarly, or most appropriately to dialectic; for, being of the nature of an investigation (ἐξεταστικὴ γὰρ οὐσα), it lies along the path to the principles of all methods of inquiry (πρὸς τὰς ἀπασῶν τῶν μεθόδων ἀρχὰς ὁδὸν ἔχει).»

The expression ‘training in disputation’ clearly refers to the dialectical debates analysed in the previous chapter: the method of *topoi* in this context enhances speakers’ ability to argue. By using *topoi*, speakers engage in a series of argumentative moves for constructing and refuting arguments. With the *topoi*, one becomes familiar with the most common types of possible arguments and, consequently, acquire the ability to recognise the most appropriate schemes to be used in each situation, as well as to anticipate what arguments opponents are preparing and to refute counter-arguments when it is necessary. More investigation is now needed on the other two

uses of *topoi* envisaged: in philosophical sciences and dialectical investigations, and in casual conversations.

2.2 *Topoi* in Philosophical Sciences and Dialectical Investigations

The method of argumentation by means of *topoi* and *endoxa* depicted in the *Topics* becomes for Aristotle the essence of what he considers as ‘dialectic’. *Topics* A 2 makes it clear that he allows his idea of dialectic two very important epistemological roles. Firstly, the method of the *Topics* has a general usefulness in that it helps speakers see the multiple sides of an issue, enabling them to discern the truth and falsehood on a certain matter in a better way. The *Topics* enables speakers to assess reasons and support beliefs, claims and actions. By becoming experienced dialecticians, people are better able to weigh the merits and disadvantages of existing arguments on certain controversial issues.

Secondly, for Aristotle dialectic is useful with respect to the first principles of science (the *archai*). Each specific science has its own peculiar principles. And, Aristotle notes, since these principles are the most basic of all the premises within a certain science they cannot be established within the framework of that science. According to the *Topics*, these principles must be investigated in light of existing *endoxa* about them. Scholars have noted that this use of dialectic seems to conflict with a passage of the *Posterior Analytics* stating that the *archai* are to be established inductively via repeated sensory perception. In the *Analytics*, the line between perception and science is direct, while opinions – even if *endoxa* – seem to be banned from playing a role in the acquisition of scientific knowledge. It might be argued, as Ross (1949, 59) and Reale (1992, Vol. II, 565) do (*contra* Weil (1951)), that the *Analytics* postdate and supercede the *Topics*. But this interpretation is unlikely for two main reasons. It is generally accepted that *Topics* A is a later introduction to the rest of the work, and that this book seems to have been written with some knowledge of the *Analytics*. More importantly, there are clear indications that Aristotle did indeed utilize the dialectical method of the *Topics* – in accordance with the programme of *Topics* A 2 – to test *endoxa* about basic notions of certain disciplines.

Although I do not intend to discuss in this book Aristotle’s dialectic in detail,¹ I shall offer here some illustrations from *Nicomachean Ethics* and *Physics* where, in order to resolve differences of opinions on certain key issues, Aristotle refutes *endoxa* by means of *topoi*. His aim is to establish the characteristics of the objects under investigation which promote a scientific understanding of them. The examples in the following paragraphs do not by any means exhaust the ways Aristotle performs dialectical investigations. They nevertheless give a glimpse into the vitality of

¹ Readers interested in this issue might find it useful to consult the following studies for an overview: Evans (1977), Owen (1986 and 1968), Hamlyn (1990), Crisp (1991), Baltussen (1992), Smith (1993) and Berti (1996).

the method of the *Topics*, while also illustrating its application to actual theoretical discussions on fundamental aspects of human beings and the world.

Let us start with some passages from *Nicomachean Ethics* I 4–6, 1095a 14–1097b 16. In this section of the treatise, Aristotle is trying to define the concept of ‘happiness’. While, as he says, human beings agree on stating that happiness is the good to which political science aims, the wise disagree with the many on what constitutes happiness. The question concerning the essence of happiness becomes the *problem*² that requires investigation.³ Aristotle arrives at the definition of happiness by first refuting the existing *endoxa* on the subject by means of *topoi* and *protaseis*⁴ belonging to ethics. In particular, in order to refute the popular views of happiness, he seems to apply a *topos* that we find in *Topics* H 1, 152a 33–38: that speakers should refute propositions stating that two things are the same by showing that an *accident* of the one is not an accident of the other.⁵ Aristotle uses this *topos* to refute three *endoxa*:

1. He refutes the opinion of those who identify happiness with honour by showing that, while honour is thought to depend on those who bestow it, a good thing is thought to be something of one’s own, and not easily taken from one:

«People of quality (οἱ χαρίεντες), for their part, those who tend towards a life of action (οἱ πρακτικοί), go for honour (τιμήν); for pretty much this is the end of the political life. But it appears more superficial than what we are looking for, as it seems to be located in those doing the honouring rather than in the person receiving it (δοκεῖ γὰρ ἐν τοῖς τιμῶσι μᾶλλον εἶναι ἢ ἐν τῷ τιμωμένῳ), and our hunch is that the good is something that belongs to a person and is difficult to take away from him.» (*Nicomachean Ethics* I 5, 1095b 22–26)

2. In the same way, Aristotle refutes the opinion of those who identify happiness with excellence by pointing out that virtue, contrary to happiness, is compatible with being asleep, with lifelong inactivity, and with great sufferings and misfortunes:

«Again, people seem to pursue honour in order to be convinced that they themselves are good: at any rate they seek to be honoured by people of discernment, and among those who know them, and to be honoured for excellence (ἐπ’ ἀρετῇ). So it is clear, at any rate according to them, that excellence is of greater value (ἡ ἀρετὴ κρείττων). In fact, perhaps one might suppose that this is even more the end of the political life than honour is. But excellence

² *Supra* 4ff.

³ *Nicomachean Ethics* I 4, 1095a 14–22: «Let us then resume the argument: since every sort of knowledge, and every undertaking, seeks after some good, let us say what it is that we say political expertise seeks, and what the top most of all achievable goods is (τί τὸ πάντων ἀκρότατον τῶν πρακτῶν ἀγαθῶν). Pretty well most people are agreed about what to call it (ὀνόματι μὲν οὖν σχεδὸν ὑπὸ τῶν πλείστων ὁμολογεῖται): both ordinary people (οἱ πολλοί) and people of quality (οἱ χαρίεντες) say ‘happiness’ (τὴν γὰρ εὐδαιμονίαν), and suppose that living well and doing are the same thing as being happy. But they are in dispute about what happiness actually is (περὶ δὲ τῆς εὐδαιμονίας, τί ἐστίν, ἀμφισβητοῦσι), and ordinary people do not give the same answer as intellectuals (οὐχ ὁμοίως οἱ πολλοὶ τοῖς σοφοῖς ἀποδιδόασιν).» Text after Bywater (1894, reprint of 1962); translation by Broadie and Rowe (2002).

⁴ *Supra* 31ff.

⁵ *Supra* 37.

too appears somewhat incomplete (ἀτελεστέρα): for it seems to be possible actually to be asleep while having one's excellence, or to spend one's life in inactivity, and furthermore to suffer, and to meet with the greatest misfortunes; and no one would call the person who lived this kind of life happy (τὸν δ' οὕτω ζῶντα οὐδεὶς ἄν εὐδαιμονίσειεν), unless to defend a debating position.» (*Nicomachean Ethics* I 5, 1095b 26 – 1096a 4)

3. Finally, Aristotle refutes the opinion that happiness corresponds to the life of moneymaking by showing that while money is loved for the sake of something else, happiness is loved for itself:

«The life of the money maker (ὁ δὲ χρηματιστῆς βίαιός) is of a sort that is chosen under compulsion of need, and wealth is clearly not the good we are looking for, for it is merely useful and for the sake of something else. And so one might rather take the aforementioned objects to be ends; for they are loved for themselves (χρήσιμον γὰρ καὶ ἄλλου χάριν). But it appears that they are not what we are looking for either; and yet there are many established arguments that focus on them.» (*Nicomachean Ethics* I 5, 1096a 5–9)

Next, Aristotle establishes that the *accident* 'self-sufficient' belongs to the subject 'happiness', by showing that the definition of 'self-sufficient' belongs to 'happiness'. In so doing, he applies the *topos* which is based on the observation of the relationship between the definitions of the subject and of the predicate.⁶ The passage reads as follows:

«The same appears also to follow from considerations of self-sufficiency; for the complete good seems to be self-sufficient. By 'self-sufficient', we do not mean sufficient for oneself alone, for the person living a life of isolation, but also for one's parents, children, wife, and generally those one loves, and one's fellow citizens, since man is by nature a civic being [...] the 'self-sufficient' we posit as being what in isolation makes life desirable and lacking in nothing (τὸ δ' αὐταρκες τίθεμεν ὃ μονούμενον αἰρετὸν ποιεῖ τὸν βίον καὶ μηδενὸς ἐνδεᾶ), and we think happiness is like this – and moreover most desirable of all things (τοιούτων δὲ τὴν εὐδαιμονίαν οἰόμεθα εἶναι) [...].» (*Nicomachean Ethics* I 7, 1097b 14–16)

Turning to the *Physics*, he applies a similar method of investigation. In *Physics* 208a 27ff., Aristotle starts to enquire into the concept of 'place' (τόπος). Having empirically shown that place exists, the *problem* which gives rise to an *aporia*, and thus requires investigation, is that concerning the essence of place.⁷ Aristotle starts the investigation by refuting both an *endoxon*, which states that place is the form of an object, and Plato's idea that place is matter (*Physics* 209a 31–209b 12). The refutation is conducted by means of the *topos* presented earlier, which suggests refuting the identification of objects by showing that an *accident* of the one is not

⁶ *Supra* 15.

⁷ *Physics* 208a 32–34: «But we encounter many difficulties when we attempt to say what exactly the 'place' of a thing is (ἔχει δὲ πολλὰς ἀπορίας τί ποτ' ἐστὶν ὁ τόπος). For according to the data from which we start we seem to reach different and inconsistent conclusions (οὐ γὰρ ταῦτόν φαί νεται θεωροῦσιν ἐξ ἀπάντων τῶν ὑπαρχόντων).» Text after Ross (1936), translation by Wicksteed and Conford (1957).

an *accident* of the other,⁸ and of propositions which belong to physics. Aristotle claims that place cannot be identified either with the form or the matter of objects, for contrary to matter and form it can be separated from objects:

« But in truth it is easy enough to see that its place cannot possibly be either the matter or the form of a thing; for neither of these is separable from the thing itself, as its place undoubtedly is (τὸ μὲν γὰρ εἶδος καὶ ἡ ὕλη οὐ χωρίζεται τοῦ πράγματος, τὸν δὲ τόπον ἐνδέχεται). For we have already explained that ‘where’ the air was ‘there’ again the water is, when the water and air succeed each other, and so too with any other substance; and therefore its ‘place’ can be neither a factor nor an intrinsic possession of the thing, but is something separable from it.» (*Physics* 209b 21–28)

Again, in dealing with the concept of ‘time’ in *Physics* 218a 31ff., Aristotle points out that the understanding of the essence of time arouses disagreement among thinkers.⁹ In the section that follows, Aristotle applies the *τόπος* for discussing the identification of things to refute the view that time is motion and a kind of change. He argues that time is not identical with movement, because while movement is in the moving thing itself, the passage of time is present everywhere. He further argues that time is not identical with change, because time, unlike change, cannot be faster or slower:

«And further, all changes may be faster or slower, but not so time (ἔτι δὲ μεταβολὴ μὲν ἔστι θάττων καὶ βραδυτέρα, χρόνος δ’ οὐκ ἔστιν).» (*Physics* 218b 13–15)

2.3 *Topoi* in Casual Conversations: *Topics* and *Rhetoric* on Stage

Having illustrated how Aristotle’s method of dialectical investigation can be used for dealing with the philosophical sciences, I shall now examine the application to casual conversation (πρὸς τὰς ἐντεύξεις). Casual conversations are general dialogues with people outside strictly scientific contexts: basically, Aristotle refers here to the sort of conversations that are carried on within people’s sphere of social activity. In this framework, the method of the *Topics* can be useful for testing people’s opinions (and rejecting those claims that are invalid or generally weak) and, on the other hand, for presenting our own opinions in a coherent manner. Aristotle himself seems to have paid a lot of attention to this use of the *Topics*: in particular, his understanding of argumentation theory in the *Topics* seems to have made a very significant impact on his theoretical achievements in the field of rhetoric. In order to show how

⁸ *Supra* 37.

⁹ *Physics* 218a 33–35: «But what time really is and under what category it falls is no more revealed by anything that has come down to us from earlier thinkers than it is by the considerations that have just been urged (Τί δ’ ἐστὶν ὁ χρόνος καὶ τίς αὐτοῦ ἡ φύσις, ὁμοίως ἔκ τε τῶν παραδεδομένων ἁδηλὸν ἐστὶ καὶ περὶ ὧν τυγχάνομεν διεληλυθότες πρότερον).»

this comes about, I shall summarise some key points from pre-Aristotelian rhetoric. The resulting framework will help appreciate the influence of the *Topics* on Aristotle's *Rhetoric*, as well as allowing us to assess Aristotle's reworking of the method of *topoi* for a rhetorical setting.

2.3.1 *Background to Aristotle's Rhetoric*

Although the importance of eloquence was already emphasised by Homer in both the *Iliad* and the *Odyssey* (Kennedy 1963), the origin of rhetoric is linked to the recognition of the central place of oral communication in fifth century BC Athenian society. In Athens, the government and courts were democratically based. There were neither professional lawyers nor professional judges. Adult male citizens could take part in the legislative assembly, and they had to speak for themselves in court if they were prosecuted. This social configuration led people to acknowledge from the very start the need to be good speakers.

In the standard history of rhetoric we read that Corax and his pupil Tisias, who were active in Syracuse around 470 BC, produced the first handbooks on effective speaking in court. Corax's and Tisias' books are no longer available to us. Yet we can get an idea of the contents of these works, and of other contemporary ones, from Plato's *Phaedrus* (266–27). As Plato explains, these handbooks seem to have focused on structuring the parts into which a speech in a court should be divided. The main parts were an introduction (*prooemium* in Greek), a narration of the facts of the case (*prothesis*), an argumentation in favour of the speaker's standpoint (*pistis*) and a conclusion (*epilogos*).¹⁰

The proof received special attention; these handbooks concentrated more on the so-called 'argument from probability' than on direct evidence. As Kennedy (1991, 9) explains, the Greek juries:

«distrusted direct evidence such as witnesses or documents because they thought these might be bribed or faked. They put more confidence in what those involved would have been likely to do in terms of the circumstances or their characters. Thus, a male defendant accused of assaulting someone might argue that it was unlikely he had started the fight despite what witnesses might say to the contrary, for he was much weaker than his opponent [...]; or that given his past record of honourable dealing, it was improbable that he would have tried to defraud someone of a small sum. Conversely, the other speaker might argue that though the defendant was weaker, he took advantage of that fact, knowing that people would not think him a likely aggressor; or that it is likely that most anyone would be tempted by an opportunity to get some money, especially if he thought he would be able to get away with it by pleading good character.»

¹⁰ Kennedy (1963) and Cole (1991). Standard history of rhetoric is not without controversy, see especially Schiappa's deconstruction of the Corax and Tisias stories (1999).

The attitude that Kennedy emphasises above promoted the empowerment of a group of philosophers who became the first paid professional teachers of rhetoric. These were the Sophists who, as the name suggests (*sophos* in ancient Greek means ‘wisdom’), presented themselves as persons who were teaching wise things. The Sophists were renowned for holding an empirical interpretation of the concept of truth: in their way of understanding reality, there was no absolute truth and, especially in terms of moral values, points of view were relative and not subject to objective criteria.¹¹ In terms of the development of an art of rhetoric, this perspective had one major consequence. In the absence of truth, rhetoric could be used by both parties in a dispute to make their cases convincing. Weaker cases could be made to appear stronger by using the right rhetorical devices: it was only a matter of having good communication skills. In this light, the Sophists were providing people with a very practical and immediate sort of education. Gorgias, for instance, specifically concentrated on the so-called figures of speech, as well as on all the stylistic elements that could increase the *psychagogia* (literally, the leading of souls).

The Sophists’ influence on rhetoric was undoubtedly substantial. They elevated rhetoric into an autonomous discipline. Moreover, they provoked an intellectual reaction from those who could not abide their relativistic interpretation of human behaviour. What especially disturbed many critics was the risk that political and civic decisions could be reached, not through rational argument about policy, but merely by the persuasive technique of one of the speakers involved in a dispute. In this light, the ancients came to use the term ‘sophist’ as meaning ‘mere rhetorician’, which is very close to the use of the term in some modern contexts. In the treatise entitled *Against the Sophists*, the Greek orator Isocrates (436–388 BC) generally attacked the Sophists for being eager for money, and lacking any knowledge of what they were claiming to teach.

It was, however, the philosopher Plato (427–347 BC) who levelled the most scathing criticism of the Sophists’ understanding of rhetoric.¹² Plato saw in the traditional way of doing rhetoric the decline of public speech into mere persuasion and demagoguery. His crucial criticism is that rhetoricians claim to persuade without knowing the truth about the matters they are speaking about. Rhetoric, in this sense, is all about appearing to know about things, and trying to persuade those who are ignorant of the truth. For Plato, this persuasion is nothing but flattering the souls of the interlocutors by using words skilfully. In his dialogue entitled *Gorgias*, Plato presents, through the character of his teacher Socrates, a distinctive analogy for the epistemological status of rhetoric. According to him, rhetoric stands to justice as cookery stands to medicine: while medicine and justice are really arts that aim at the good, cookery and rhetoric are only directed at producing pleasure (see *Gorgias* 464b–465d).

¹¹ See especially Guthrie (1971) and Kerferd (1981).

¹² On this see especially Wardy (1996), Ryan (1979) and Cole (1991).

In the second half of another dialogue, the *Phaedrus*, Plato abandons the sharp polemic of the *Gorgias*, while re-evaluating the possibility that rhetoric could indeed be a real art. As Plato notes:

«It's not speaking or writing well that's shameful; what's really shameful is to engage in either of them shamefully or badly.» (*Phaedrus* 258d 4-5)¹³

Here, rhetoric does not appear as condemnable per se; it is actually the primary way of «leading the soul by means of speech» (*Phaedrus* 261a 8). Yet in order to be socially constructive and promote the growth of individuals, orators' speeches must fulfil one essential and unavoidable requirement: they must mirror the way the subject itself is organized in reality. The epistemological status of rhetoric is here linked to a concept of truth as correspondence. Following this principle, orators must do their best to reveal things for what they are, and therefore promote the persuasive dissemination of ideas that are fundamentally true.

The consequence of this approach is straightforward. To really possess an art of rhetoric, speakers must be philosophers and thus apply a solid method of investigating reality. However, the orator must be a philosopher so as to be able to identify the type of souls which constitute the audience, which means he has to know about the nature of the soul more generally. This knowledge is in fact essential if the orator is to tailor his speeches to any given occasion.

Plato's observations led to a re-definition of the parameters of the rhetorical art. More than any other single thinker, Plato promoted the intellectualisation of rhetorical practice. However, he never wrote a handbook to teach speakers how to perform the kind of rhetoric he had in mind. It was only his pupil Aristotle who, probably because of his fascination for the social identity of human beings (here it is important to remember Aristotle's perception of human beings as "social animals" in *Politics*, 1253a 19–20), pioneered this challenge in the *Rhetoric*.

2.3.1.1 The Aristotelian Contribution to rhetoric

Exploring the Available Means of Persuasion

Aristotle is generally more optimistic than Plato about rhetoric. As mentioned earlier, he believes that the possession of a solid rhetorical method could strengthen what is characteristic of human beings, namely the use of language, and enhance «an effective manner of speaking on serious issues related to human affairs» (Ryan 1992, 294). Moreover, in promoting civilized and free political communities it offers weapons to unmask eventual attempts at manipulation (Bodéüs 1992). We read in a passage of the *Rhetoric* that knowledge of rhetoric is necessary:

¹³ Translation by Waterfield (2002).

«in order that it may not escape our notice what the real state of the case is (ἀλλ' ἵνα μήτε λανθάνῃ πῶς ἔχει) and that we ourselves may be able to refute if another person uses speech unjustly (ὅπως ἄλλου χρωμένου μὴ δικαίως τοῖς λόγοις αὐτοὶ λύειν ἔχωμεν).» (*Rhetoric* A 1, 1355a 31–33)

Like Plato, Aristotle was very sensitive to the issue of ‘truth’, and this seems to have prompted his contribution to rhetoric. As underlined by Kennedy (1991, 34), Aristotle was convinced that «truth was grounded in nature and capable of apprehension by reason». He thus attributed to rhetoric the important task of enabling speakers to strengthen their ability to construct sound arguments for the appropriate transmission of good judgements. Thus we read at *Rhetoric* A 1, 1355a 20–23:

«[...] rhetoric is useful [first] because the true and the just are by nature stronger than their opposites (διὰ τε τὸ φύσεις εἶναι κρείττω τάληθῇ καὶ τὰ δίκαια τῶν ἐναντίων), so that if judgements are not made in the right way (ἐὰν μὴ κατὰ τὸ προσήκον αἱ κρίσεις γίνωνται) [the true and the just] are necessarily defeated [by their opposites].»¹⁴

When the opposites of truth and right prevail over these, the falsity is in speakers themselves who fail to take advantage of the powerful instrument of rhetoric (Bodéüs 1992). Clearly, if one creates good arguers, one runs the risk of offering a tool for the creation of bad arguments which are nevertheless effective in manipulating audiences. Aristotle recognises this risk when warning that speakers must learn how to argue on either sides of a question to grasp the real state of the case and refute another person’s unjust speeches, not in order to argue for immoral positions that, in any case – and following the above passage – would result self-defeating when contrasted with sound arguments.¹⁵

In following his theoretical framework, Aristotle introduces the *Rhetoric* in explicit opposition to contemporary treatises where, we said earlier, argumentation was a neglected topic. Those who had composed *Arts of speech* had given most of their attention to factors that Aristotle considered as non-essential such as ways of appealing to a jury. In so doing, however, they had failed to instruct speakers on how to artistically structure their *logos* (Grimaldi 1972, 66):

«[...] it is clear that matters external to the subject (ἔξω τοῦ πράγματος) are described as an art by those who define other things: for example, what the introduction or the narration should contain, and each of the other parts; for [in treating these matters] they concern themselves only with how they may put the judge in a certain frame of mind (οὐδὲν γὰρ ἐν αὐτοῖς ἄλλο πραγματεύονται πλην ὅπως τὸν κριτὴν ποιόν τινα ποιήσωσιν), while they explain nothing about artistic proofs (περὶ δὲ τῶν ἐντέχνων πίστειν οὐδὲν δεικνύουσιν) [...]» (*Rhetoric* A1, 1354b 16–21)

¹⁴ See also *Rhetoric* A 1, 1355a 37–38.

¹⁵ *Rhetoric* A 1, 1355a 29–33: ἔτι δὲ τὰναντία δεῖ δύνασθαι πείθειν, καθάπερ καὶ ἐν τοῖς συλλογισμοῖς, οὐχ ὅπως ἀμφοτέρω πρᾶττωμεν (οὐ γὰρ δεῖ τὰ φαῦλα πείθειν), ἀλλ' ἵνα μήτε λανθάνῃ πῶς ἔχει καὶ ὅπως ἄλλου χρωμένου μὴ δικαίως τοῖς λόγοις αὐτοὶ λύειν ἔχωμεν.

I agree with Ryan (1992) that for Aristotle argumentation becomes the central and essential issue of an art of rhetoric. By approaching rhetoric from this perspective, Aristotle sees that its essence is to explore the available means of persuasion on *any* given subject, although in practice he limits the field of rhetoric to questions concerned with human actions, characters, motives and feelings. According to *Rhetoric* A 3, the resulting domain of rhetoric covers the following three genres:

1. The *genus iudiciale* (δικανικόν): when the point at issue is whether a past act is to be regarded as lawful or unlawful, or just or unjust.
2. The *genus deliberativum* (συμβουλευτικόν): when the point at issue is whether a certain action is advantageous or harmful.
3. The *genus demonstrativum* (ἐπιδεικτικόν): it relates to ceremonial moments where a person, an action or a thing is praised or condemned for being honourable or shameful.

Let us now explore the rhetorical armory in detail. Generally speaking, the main focus of the *Rhetoric* is on the means of persuasion (the Greek *pistis*/πίστις; plural: *pisteis*/πίστεις) that Grimaldi well defines as «evidentiary material of a specifically probative character with respect to the subject matter» (1972, 20). In particular, the *Rhetoric* is mainly designed to instruct orators on the discovery of those *pisteis* that Aristotle calls ‘artistic’ (ἐντεχναι), namely those means that must be invented for a specific speech and that are opposed to the non-artistic ones:

«Of the *pisteis*, some are atechnic [“nonartistic”] (αἱ μὲν ἄτεχναι), some entechnic [“embodied in art, artistic”] (αἱ δ’ ἐντεχναι). I call atechnic those that are not provided by “us” [i.e. potential speakers] but are pre-existing (ὅσα μὴ δι’ ἡμῶν πεπóρισται ἀλλὰ προὔπῃρχειν): for example, witnesses, testimony of slaves taken under torture, contracts, and such like; and artistic whatever can be prepared by method by “us”.» (*Rhetoric* A 2, 1355b 35–39)

It is clear that the real ability for an orator is to be able to design arguments when the non-artistic means of persuasion are not available or when these alone are not sufficient. Indeed, Aristotle treats the non-artistic means very briefly, because orators must simply know what they are and use them when it is appropriate. Thus, for example, a lawyer can use a series of existing laws to bolster his case. To do so, he does not have to invent these laws: he must simply know them or know where to find them (for example, in a digest).

As for the artistic means, it seems that Aristotle has theorised them by reflecting on what is involved in the communication triangle presented in *Rhetoric* A 2, 1358a 37 – 1358b 2:

«A speech [situation] consists of three things: a speaker (ἐκ τοῦ λέγοντος) and a subject on which he speaks (περὶ οὗ λέγεται) and someone addressed (πρὸς ὄν).»

As for the audiences, he envisages two kinds: either mere spectators or judges.¹⁶ The former are those people who are present at events, rather like the audience that

¹⁶ See *Rhetoric* A 2, 1358b 2.

attends artistic performances, but where no practical action is called for. The latter group includes those people who are called to make decisions on matters where real interests are at stake.

Following the above model, orators might design their arguments by playing on the speaker, the subject at stake or the audience. And three are, indeed, the main types of artistic *pisteis*:

«Of the *pisteis* provided through speech there are three species: for some are in the character of the speaker (ἐν τῷ ᾧθι τοῦ λέγοντος) and some in disposing the listener in some way (ἐν τῷ τὸν ἀκροατὴν διαθεῖναι πως), and some in the argument itself, by showing or seeming to show something (ἐν αὐτῷ τῷ λόγῳ, διὰ τοῦ δεικνύναι ἢ φαίνεσθαι δεικνύναι).» (*Rhetoric* A 2, 1356a 1–4)

Let us start considering the last kind of *pisteis*, the *logos* or rational appeal. When presenting arguments based on rational appeal, the speaker appeals to the audience's reason or understanding and argues by using deduction or induction. We will see in the following paragraph how these two forms of argumentation are treated in the *Rhetoric*. What is important to highlight here is that advising speakers on using rational arguments matches the programmatic orientation of the *Rhetoric* mentioned earlier, with its main focus on the rationality of truth. Aristotle implicitly expresses the wish that rhetoric could deal exclusively with deductive arguments when stating in *Rhetoric* A 1, 1354a 15 that rhetorical deduction (the enthymeme, as we shall soon see) is the body (σῶμα) – the substance (Cope 1877, Vol. I, 6) – of persuasion. Yet Aristotle was enough of a realist to admit that an audience can be prompted to do something or accept certain belief by its emotions. Since he considers rhetoric to be the ability to find all the available means of persuasion, he includes – as the second main class of *pisteis* – those relating to the audience and that appeal to their emotions. He still considers it fundamental that orators use rational appeals in cases where there is disagreement (*Rhetoric* A 9, 1368a 26–33). But he admits that persuasion can occur by stimulating people through their passions or emotions rather than through their reason. As for the third means of persuasion, that concerned with the speaker, Aristotle includes the ethical appeal: speakers must make themselves worthy of credence, because a person who ingratiates himself with an audience gains trust and admiration. People tend to believe to a greater extent to speakers that they esteem: this is particularly true when the audience is poorly acquainted with the topic under discussion. Aristotle does not limit the ethical appeal to those speakers who are already esteemed. In Athenian courts and assemblies people generally had to speak on their own behalf and without necessarily already possessing authority. Thus in the *Rhetoric* speakers are advised to establish their authority through the speech itself, presumably, for example, by showing insight and expertise on the topic under discussion.¹⁷

¹⁷ As Braet clearly explained (1992), *ethos*, *pathos* and *logos* are not mutually exclusive: indeed, ethical and pathetic proofs may be argued through enthymemes, although when this occurs the argumentation does not directly bear on the issue at stake.

Rhetoric and Dialectic

In the previous paragraph I intentionally bypassed one crucial aspect of the *Rhetoric*, namely Aristotle's linking of rhetoric and dialectic. This link rests on the recognition of three main characteristics.

First of all, rhetoric shares with dialectic a framework of rational argumentation: deductive arguments and inductive arguments. This similarity is stressed in *Rhetoric* A 2, 1356a 35–1356b 5, where Aristotle explicitly refers to the forms of dialectical argumentation:

«In the case of persuasion through proving or seeming to prove something, just as in dialectic (ἐν τοῖς διαλεκτικοῖς) there is on the one hand induction (τὸ μὲν ἐπαγωγή) and on the other the syllogism (τὸ δὲ συλλογισμός) and the apparent syllogism (τὸ δὲ φαινόμενος συλλογισμός), so the situation is similar in rhetoric; for the example is an induction (τὸ μὲν παράδειγμα ἐπαγωγή), the enthymeme a syllogism (τὸ δ' ἐνθύμημα συλλογισμός). I call a rhetorical syllogism an enthymeme, a rhetorical induction an example. And all [speakers] produce logical persuasion by means of examples or enthymemes and by nothing other than these.»

Both forms of argumentation are important and should be kept separate, as indeed Aristotle himself explicitly separates them.¹⁸ The example is the citation of something that has happened before, or the invention of a fact that has some similarity with the one under investigation (either a comparison or a fable). In induction proper we proceed from the particular to the general, and the validity of the generalisation is in direct proportion to the number of particulars. But, Aristotle seems to have realised that it would not be appropriate for an orator to adduce a whole series of particular instances to support a generalisation: by offering only one or two examples he can reduce both the time and the space.¹⁹

The concept of the enthymeme needs more attention, since its understanding is still a matter of controversy.²⁰ Despite the scholarly debate, Aristotle has stated in the *Rhetoric* the fundamental elements needed to clarify the term. The enthymeme, Aristotle says, is essentially a syllogism (τὸ δ' ἐνθύμημα συλλογισμὸν),²¹ that is a valid argument where the truth of the conclusion is transferred from the truth of the premises (*Topics* A 1, 100a 25–27).²² Aristotle seems to have further remarked

¹⁸ I emphasise this point, since some scholars have mistakenly interpreted the example as a subtype of the enthymeme. See Ryan (1992) with further references.

¹⁹ See *Rhetoric* B 9 where Aristotle stresses that proper induction is not suitable to rhetorical discourse.

²⁰ See especially Grimaldi (1972, 83–94) who claims that the enthymeme in terms of its validity is like the scientific syllogism *contra* Ryan (1984, esp. 1–47) and, especially, Burnyeat (1994) who claim that Aristotle 'relaxed' the requirement that the enthymeme must be valid.

²¹ *Rhetoric* A 2, 1357a 16.

²² Here it is worth noting that in the *Rhetoric*, like in the *Topics*, Aristotle does not specify whether he intends an enthymeme to be a categorical or hypothetical syllogism. On the form of the enthymeme in the *Rhetoric* see Fortenbaugh (2000, 71–75).

on the validity of an enthymeme when explaining that this form is the rhetorical equivalent of the dialectical syllogism discussed in the *Topics*.²³ And we know that in the *Topics* he gives a definition of the dialectical syllogism as an argument which is valid.²⁴ The enthymeme differs, however, from other forms of syllogism (in particular, the scientific demonstration or ἀπόδειξις) in having certain specific characteristics.

First, while a scientific syllogism is constructed on the basis of premises which are true and primary,²⁵ the enthymeme is based on premises which, in terms of their truth-value, may be either universally true or, more often, true only for the most part:

«[...] it is evident that [the premises] from which enthymemes are spoken are sometimes necessarily true (τὰ μὲν ἀναγκαῖα) but mostly true [only] for the most part (τὰ δὲ πλείστα ὥς ἐπὶ τὸ πολὺ).» (*Rhetoric* A 2, 1357a 30–32)

Aristotle shows here an attention not only for what usually or generally happens but also on what people believe to be true, namely the *endoxa* already discussed in the first chapter. Indeed, every society or select audience has a certain body of accepted opinions that, although they have never been proved, are sources of credibility and are accepted as almost self-evident.

Second, the enthymeme is an argument stated in a particular way, specifically with one premise suppressed. In presenting enthymemes speakers may omit to state one of its premises since hearers will supply it, as the following example about Dorieus winning the Olympic games shows:

«[...] it is necessary for an enthymeme to be [...] drawn from few premises and often less (ἐξ ὀλίγων τε καὶ πολλάκις ἐλαττόνων) than those of the primary syllogism; for if one of these is known, it does not have to be stated (οὐδὲ δεῖ λέγειν), since the hearer supplies it: for example, [to show] that Dorieus has won a contest with a crown it is enough to have said that he has won the Olympic games, and there is no need to add that the Olympic games have a crown as the prize; for everybody knows that.» (*Rhetoric* A 2, 1357a 16–18)²⁶

The second characteristic that links dialectic and rhetoric is the one just mentioned: the fact that rhetoric, like dialectic, works mainly on the basis of *endoxa*.

²³ *Rhetoric* A 2, 1356b 10–17: «What the difference is between a paradigm and an enthymeme is clear from the *Topics* [...] to show on the basis of many similar instances that something is so is in dialectic induction, in rhetoric example; but to show that if some premises are true, something else [the conclusion] beyond them results from these because they are true, either universally or for the most part, in dialectic is called syllogism and in rhetoric enthymeme.»

²⁴ See *supra* 7–8.

²⁵ See *Topics* A 1, 100a 27–29.

²⁶ It should be noted, as Joseph remarks (1916, 351), that in spite of the fact that a part of the enthymeme may be suppressed: «It must not be supposed [...] that we are arguing the less in syllogism, because we use one member of the argument without its being explicitly stated. Syllogism is an act of thought, and if, in order to perform this act, we need to recognise in thought all three propositions that when formally expressed it contains, we are arguing syllogistically, whether we enunciate the whole syllogism or not.»

This point is stressed, with a specific mention of the *Topics*, where Aristotle discourages orators from acting like a teacher and using technical knowledge in front of their audience:

«[...] teaching is impossible [with some audience]; rather, it is necessary for pisteis and speeches [as a whole] to be formed on the basis of common [beliefs] (ἀνάγκη διὰ τῶν κοινῶν ποιεῖσθαι τὰς πίστεις καὶ τοὺς λόγους), as we said in the *Topics* about communication in casual encounters (ὥσπερ καὶ ἐν τοπικοῖς ἐλέγομεν περὶ τῆς πρὸς τοὺς πολλοὺς ἐντεύξεως).»²⁷ (*Rhetoric* A 1, 1355a 26–29)

The *endoxa* are, as mentioned earlier, the topical potential for strengthening the acceptancy of arguments delivered to vast lay-audiences.²⁸

The third and last link concerns the fact that rhetoric, like dialectic, becomes for Aristotle the ability (δύναμις) of exploring the available means of persuasion (τὸ ἐνδεχόμενον πιθανόν) on *any* given subject (*Rhetoric* A 1–2, 1355b 26–35). Rhetoric and dialectic, unlike other arts, do not deal with any specific subject: they do not contemplate any technical knowledge of specific field-dependent disciplines (for example, geometry, physics, music, cookery and so forth). They are not sciences but, as I have said, the basic abilities to supply arguments (δύναμεις τοῦ πορίσαι λόγους).²⁹ And they provide a 'technical method' (ἐντεχνος μέθοδος)³⁰ for doing so.

The relationship between rhetoric and dialectic is the crucial point that distinguishes the Aristotelian approach to rhetoric, with his focus on rational argumentation. As a matter of fact, this aspect is stressed in the very opening lines of the *Rhetoric*, so highlighting its importance. There we read that rhetoric is the 'counterpart' (ἀντίστροφος) of dialectic (*Rhetoric* A 1, 1354a 1). To appreciate fully the true extent of the link between the two we need to analyse the term 'counterpart'. Cope (1877, 1) discusses this very point. According to him, the term is borrowed from the movements of the chorus in the performance of the odes in Greek choral lyric:

«*Strophe* denotes its movement in one direction, to which *antistrophe*, the counter-movement, the wheeling in the opposite direction, exactly corresponds, the same movements being repeated.»

Cope, however, suggests that the term should not be understood as representing an exact correspondence in details. As we have seen, rhetoric involves ethical and emotional aspects, and these have no place in strictly dialectical discussions. He explains that *antistrophos* represents the two arts «as two coordinate opposites, or opposites in the same row [...] two species, under one genus, proof». Aristotle himself underlines this aspect when stating that «rhetoric is a certain kind of offshot

²⁷ See *Topics* A 1.

²⁸ See also Plebe (1990).

²⁹ *Rhetoric* A 2, 1356a 33.

³⁰ *Rhetoric* A 1, 1355a 4.

(παράφνός) of dialectic and of ethical studies» and, again, that it «is partly (μόριόν τι τῆς διαλεκτικῆς) dialectic» (*Rhetoric* A 2, 1356a 30–31). As Kennedy (1991, 39) also points out, «Aristotle cannot very well call rhetoric a species of dialectic, since it contains elements [...] that are not proper to dialectic; but at the same time he stresses the logical side of rhetoric and thus its relationship to dialectic». Dialectic and rhetoric both deal with the contingent and uncertain. Dialectic deals with every proposition or problem that can be submitted to it; its argumentations are always carried on by question and answer between a real or potential questioner and a respondent. Rhetoric's domain is defined more closely: it is confined to a particular class of probabilities, namely those things we deliberate about, which depend upon ourselves, and are in our own power to do or to abstain from. More generally, this is the class of human actions or those things immediately depending on them.

This is a fundamental aspect to grasp about rhetoric, which must be taken into consideration if we are fully to understand why and how Aristotle introduces the *topoi* in the *Rhetoric*. Also, it explains why the *Rhetoric* 'looks so little like the *Topics*'. The sentence in inverted commas in quoted from Brunschwig (1996), who in his article 'Rhetoric as a "counterpart" to dialectic' explains the difference between the two treatises by suggesting that Aristotle gave up bit by bit the various schematic conceptual structures he had tried to apply. For Brunschwig (1996, 51) this renunciation is understandable because

«[...] rhetoric is a plant growing in the open air of the city and the public places. This is why it smashes abstract schemas into fragments; it offhandedly makes fun of the most respectable theoretical distinctions. With it, contingency invades history, politics seize logic, passions rush into discourse. After all, Aristotle has never been a better Aristotelian than when he chooses not to be a formulaic Aristotelian and not to adopt the same method in the *Topics* as in the *Rhetoric*.»

However, my analysis challenges Brunschwig's thesis. It does not seem that Aristotle gave up the idea of a dialectical rhetoric. Aristotle wrote the *Rhetoric* underlining the novelty of the treatise when compared to the existing handbooks of rhetoric and such novelty rests precisely on the relationship between rhetoric and dialectic. The suggestion that Aristotle had relinquished the idea of a dialectical rhetoric would lead to the question already asked by Lord (1981, 328): «had Aristotle's reaction against his intellectual heritage proceeded by then to the point that he [...] had in the decisive respects joined the enemy camp?». But nothing in the *Rhetoric* leads one to think that he did.

In discussing a *problem*, dialecticians focus exclusively on the subject under discussion. All they have to do, and all they are allowed to do, is to find contradictions in the other person's reasoning, or avoid contradicting themselves in their own reasoning. Following Zeno's idea, dialectic may be represented for its conciseness with a closed fist (Atherton, 1988). What dialecticians need to know is basically how to argue in a rational way, and their training aims to make them in effect professional arguers. This is why Aristotle devotes most of the *Topics* to the description of the *topoi* themselves. In the *Topics*, Aristotle is not concerned with discussing the material sources of dialectical syllogisms, for they exclusively depend on the subject

under discussion and, as explained earlier, the subject under discussion could be almost anything. The only thing dialecticians have to know apart from logic is a series of expedients which are mainly concerned with the presentation of the premises of their arguments, which Aristotle discusses in book Θ of the *Topics*.³¹

In rhetoric the situation is different, since we have seen that the character of the orator and the feelings of the audience have a considerable impact on the outcome of a speech. Aristotle himself paid close attention to these factors. In rhetoric it is not enough to train orators to construct rational arguments. Orators must also be able to select the contents of their speeches in order to make themselves worthy of credence, and in order to lead the audience to feel certain emotions (*Rhetoric* A 2, 1356a 5–16). They have to be able to adapt their speeches to the audience, and thus to recognise the ‘personality’ of the audience itself. They have to make themselves worthy of credence, and to know what is good, bad, just and so forth. Finally, given that orators have to lead their audience to feel emotions, they must know what each of the emotions is, its qualities, what gives rise to it and how to stimulate it. Rhetoric thus becomes associated with politics, or ethics, which take account of men in society, their motives for acting, the actions themselves, feelings, habits, attitudes and tendencies, virtues and vices.

We will soon see how in the *Rhetoric* Aristotle teaches orators the dialectical method for constructing enthymemes out of people’s common beliefs – namely the *topoi*. But in addition to this, he lists the *endoxa* about human emotions and characters at length.³² These *endoxa* are generalisations about human passions and characters that may be useful either to construct enthymemes³³ or to construct different kinds of argumentations, like amplification.³⁴ Aristotle recognises that orators do not always have to construct enthymemes. But as I have already mentioned, he thinks that enthymemes are essential for cases where there is disagreement, and therefore vital in judicial rhetoric. In deliberative rhetoric, examples are better; and in epideictic rhetoric, given that speeches are concerned with actions that for the most part are agreed upon, it is more appropriate to use amplification (*Rhetoric* A 9, 1368a 26–33).

³¹ Thus, for example, in *Topics* Θ 1, 155b 29–36 Aristotle explains how to present the main premises of arguments. In particular he points out that speakers should not advance the main premises immediately in their complete form, for their truth might not be evident at that stage. Speakers have to lead their interlocutor to admit the main premises either by induction or by deduction.

³² See respectively *Rhetoric* B 2–11 and 12–17. On the philosophical status of these *endoxa* see Most (1994).

³³ Thus, for example, in order to prove that a certain person is/is not a friend of another person, orators will have to know what friendship is. Aristotle clarifies the concept of ‘friendship’ in *Rhetoric* B 4.

³⁴ Amplification, the Greek *αὐξησις*, is a strategy of argumentation which consists in investing actions with magnitude and honour so as to make them appear better or more worthy of praise (see Lanham 1991, 8 and 26–28). Aristotle gives examples of it in *Rhetoric* A 9, 1368a 10–22.

2.3.2 *The Topoi in the Rhetoric*

2.3.2.1 *Topoi and Idia*

Rhetoric A 2, 1358a 10–17

Given the importance that the concept of enthymeme has in the Aristotelian rhetorical framework, it is of no surprise that Aristotle introduces in the *Rhetoric* a lot of information on how to actually construct them. In *Rhetoric* A 2, 1357a 22–1357b 25 he discusses the materials of the enthymemes: in particular he speaks of ‘probabilities’ and ‘signs’ as the contents of rhetorical deduction (τὰ δ’ ἐνθυμήματα ἐξ εἰκόντων καὶ ἐκ σημείων).³⁵ Since in rhetoric only a few of the premises of the enthymeme are true necessarily – no human actions are strictly speaking necessary (*Rhetoric* A 2, 1357a 22–27) – these probabilities and signs have the highest potential of being accepted by the audiences as proofs. Without entering into much detail about the meaning of these terms,³⁶ ‘probabilities’ represent what is known to be or not to be as a general but not universal rule, such as the proposition ‘mothers love their children’. A ‘sign’ is anything that accompanies an existing thing or fact, or precedes or follows anything that happens or comes into being and, as such, indicates the existence of that thing or its having happened: for example, smoke is a sign of fire. As regards the sign, Aristotle points out that a sign can be fallible, when it does not invariably and exclusively accompany something else (for example, ‘fast breathing’ is often but not always a sign that a person has a fever), or infallible (for example, a lactating woman has given birth).

Having explained the materials of the enthymeme, in *Rhetoric* A 2, 1358a 10 Aristotle introduces the *topoi* he has illustrated in the *Topics*. There he points out that their use permits the construction of dialectical syllogisms and rhetorical syllogisms about any subject matter:

«I am saying that dialectical and rhetorical syllogisms are those about which we state *topoi* (περὶ ὧν τοὺς τόπους λέγομεν), and these are applicable in common to questions of justice and physics and politics and many different species [of knowledge](οὗτοι δ’ εἰσὶν οἱ κοινῇ περὶ δικαίων καὶ φυσικῶν καὶ περὶ πολιτικῶν καὶ περὶ πολλῶν διαφερόντων εἶδει); for example, the *topos* of the more and the less (ὁ τοῦ μᾶλλον καὶ ἧττον τόπος); for to form syllogisms or speak enthymemes from this (ἐκ τούτου συλλογίσασθαι) about justice will be just as possible as about physics or anything else, although these subjects differ in species.» (*Rhetoric* A 2, 1358a 10–17)

All scholars of the *Rhetoric* have correctly identified the *topoi* mentioned in this passage with those explained in the *Topics*. Aristotle, in fact, names the *topos* of the more and the less, which is an argument scheme thoroughly discussed in the *Topics*, as an example of *topos*.³⁷

³⁵ *Rhetoric* A 2, 1357a 32.

³⁶ See Cope (1877, I), Sprute (1982), Grimaldi (1958 and 1972) and Ryan (1984).

³⁷ On this point see *supra* 27.

In this passage, however, although Aristotle mentions the dialectical *topoi*, he does not give a proper definition of the term, nor does he explain how a *topos* functions. He seems to trace the explanation of the topical method back to the *Topics*, and therefore to take for granted that the reader knows and understands (or will know and understand) the doctrine by reading the *Topics*. This evidence demonstrates the importance of reading the introduction of the *topoi* into the *Rhetoric* in strict connection with the *Topics*. But as a matter of fact, most of the scholars who have specifically dealt with the *Rhetoric* have not paid enough attention to this connection. De Pater, for example, who wrote probably the most influential treatise on the method of *topoi*, nevertheless relies for his explanation of the term on a modern theory of argumentation (Toulmin's theory of reasoning dated 1958) rather than on the Aristotelian examples. In the same way Ryan, in his study of Aristotle's theory of rhetorical argumentation, depended more on Aristotle's *Analytics* and on modern theories of mathematical logic, rather than on the *Topics*.³⁸

Aristotle's explicit link between the *Topics* and the *Rhetoric* has been in general neglected. And, as might be expected, the consequence of this neglect has resulted in scholars' accounts of the nature of the *topoi* in the *Rhetoric* being unsatisfactory. More specifically, Aristotle, after having said in *Rhetoric* A 2, 1358a 10–17 that dialectical and rhetorical syllogisms are those for the construction of which orators have to use *topoi*, introduces the term *idia* (or *eide*):³⁹

«but there are the *idia* (ἴδια) that come from the premises of each species and genus [of knowledge] (δῶα ἐκ τῶν περὶ ἑκάστον εἶδος καὶ γένος προτάσεων ἔστιν); for example, in physics there are premises from which there is neither an enthymeme nor a syllogism applicable to ethics; and in ethics [there are] others not useful in physics. It is the same in all cases.» (*Rhetoric* A 2, 1358a 17–21).

The neutral *idia* is a generic term used by Aristotle to indicate the propositions expressing the contents of specific disciplines, each of which can be used to construct syllogisms concerning the specific discipline to which these propositions belong only. In A 2, 1358a 17–19, *idia* refers to all propositions which belong to and express the contents of any discipline (physics and ethics among others). Starting from *Rhetoric* A 4, 1359a 30, Aristotle illustrates the *idia* needed for rhetorical argumentation: he considers and lists the propositions that specifically relate to the ends of the three genera of rhetoric (deliberative, judicial, epideictic).⁴⁰ Given that orators, ultimately, have to prove that something is good, harmful, just, unjust, honourable or disgraceful (*Rhetoric* A 3, 1358b 20–1359a 7), it follows that they have to know the nature of each of these concepts. The *idia* which Aristotle presents in the *Rhetoric* are precisely the propositions which describe these generic concepts and their related species. For example, in *Rhetoric* A 5, 1362a 21–29 Aristotle discusses the *idia* about the concept of 'good'. He first defines what good is:

³⁸ See Ryan (1984, 47–83).

³⁹ See *Rhetoric* A 2, 1358a 29 and Cope (1867, 129).

⁴⁰ See *Rhetoric* A 2, 1358b 7–8.

«Let a good (ἀγαθόν) be [defined as] whatever is chosen for itself and that for the sake of which we choose something else and what everything having perception or intelligence aims at or what everything would [aim at] if it could acquire intelligence. Both what intelligence would give to each and what intelligence does give to each in individual cases is the good for each; and whatever by its presence causes one to be well off and independent; and independence itself; and what is productive or preservative of such things; and what such things follow upon; and what is preventive and destructive of the opposites.»

Then he lists a series of things which are species of good:

«On these premises it necessarily follows that both the acquisition of good things and the elimination of evil things are goods [...] and the virtues are necessarily a good [...] pleasure too is a good; for all living things by nature desire it [...]» (*Rhetoric* A 6, 1362a 37 – 1362b 7)⁴¹

In the following paragraph the essence and functioning of the *idia* – that Aristotle seems to contrast with the *topoi* – will be analysed in detail, shedding some light on a fundamental aspect of the *Rhetoric* that, as I said earlier, has not yet been fully appreciated. A lack of proper understanding of this issue has often led scholars to fail to appreciate the essential coherence of Aristotle's programme. Thus Raphael (1974, 167) can write: «If Aristotle had thought out more clearly the relationship of rhetoric to dialectic and to syllogistic argument, he would have written a more coherent *Art of Rhetoric* [...]». In what follows, my aim is to show that the *Rhetoric*'s account of the relationship between *topoi* and *idia* contains no contradiction.

Traditional Interpretations

It is probably not an exaggeration to claim that the nature of *topoi* and *idia* has been, and still is, the most controversial issue in the *Rhetoric* (Rubinelli 2003).⁴² Among the first scholars who specifically attempted to clarify the expressions *topoi* and *idia* Cope deserves a special mention. He was the first to emphasise an idea that would later have considerable influence on the scholarship of the *Rhetoric*. Cope (1867, 126) stated that in *Rhetoric* A 2, (1358a 10ff.) Aristotle introduces two different

⁴¹ It is interesting to note that several *idia* seem to have been established by means of *topoi*. For example, in *Rhetoric* A 6, 1362b 5–6, Aristotle says that 'pleasure' is 'good', because all animals by nature desire it. This conclusion is reached by applying one of the *topoi* of the *genus* which Aristotle lists in *Topics* Δ 2, 122b 7–10 and explained earlier (*supra* 15). The *topos* in question enables the construction of arguments of the following kind: If the definition of the genre X belongs to Y, X belongs to Y as genre; The definition of the genre X belongs to Y; X belongs to Y as genre. In the outcome, given that, as Aristotle remarks, (1) 'good' is «what everything having perception or intelligence aims at» (*Rhetoric* A 6, 1362a 23–24) and (2) «all living things by nature desire pleasure» (*Rhetoric* A 6, 1362b 6–7), then 'pleasure' results as falling under the *genus* 'good'. On this see more in Pelletier (1981, 64–65).

⁴² It is worth quoting what McAndon (2003, 243) rather pessimistically concludes in his attempt to understand the relationship between *topoi* and *idia*: «It seems to me that the only reasonable response to the discussion of the materials of enthymemes in the *Rhetoric* is to admit that it is exceptionally confusing [...]».

kinds of *topoi*: the *topoi* (which on the basis of *Rhetoric* A 2, 1358a 32 he interprets as ‘common’ *topoi*), and the *idia* that he interprets in the sense of ‘specific’ *topoi*:

«[...] we have next to notice a distinction between different kinds of τόποι, which as far as the *Rhetoric* is concerned is peculiar to Aristotle’s system. Τόποι as a general term is subdivided into εἶδη special or specific, and τόποι proper, κοινοὶ τόποι universal topics [...]. The εἶδη or ἴδια, the specific topics, are [...] so called because they are species or kinds subordinate to and forming part of the several sciences, chiefly Ethics and Politics, which come in contact with rhetoric and furnish it with its propositions, προτάσεις, and enthymemes. As distinguished from these, the τόποι or κοινοὶ τόποι are those general topics of arguments which are universally applicable to all sciences [...].»

In his study, Cope correctly noted that for Aristotle the proper *topoi* are those that are universally applicable to all sciences. These are in fact the *topoi* that Aristotle explains in the *Topics*, whose universality has been explained and justified in the previous chapter. Doubts arise, however, over the fact that Cope used the expression *common topoi* (τόποι κοινοὶ) for these *topoi*. While it is true that Aristotle uses the adjective κοινός in connection with *topoi* in *Rhetoric* A 2, 1358a 32 (τόπους δὲ τοὺς κοινοὺς ὁμοίως πάντων), the term as it is used there seems to have only an explicative function (that is, Aristotle says that the *topoi* are ‘things’ which can be applied to any discipline). It does not seem to be part of the name of the concept, and *Rhetoric* A 2, 1358a 32 is the only passage in the whole treatise where the adjective is connected to the term *topoi*.⁴³ Furthermore, in the *Topics* the *topoi* are never explicitly denoted as ‘common *topoi*’. The adjective ‘common’ (κοινός) does occur in the *Topics* as referring to *topoi*, but with different meanings. It simply indicates either that a certain *topos* is useful for both refuting and establishing propositions,⁴⁴ or that a certain *topos* is of a wider applicability than others (for example, the *topos* from contraries that can be used for dealing with questions of *accident*, *genus*, *property* or *definition*,⁴⁵ as opposed, for example, to the *topos* explained in *Topics* Z 6, 144a 20–22, which can only be used to refute definitions).

Again, Cope correctly noted that the *idia* are «the special material of the orator’s enthymemes». As was shown earlier, these are the premises describing the material that can be used by orators for constructing arguments.⁴⁶ However, it is not clear on Cope’s interpretation how the *idia* differ in nature and function from the *topoi* of the *Topics*: Aristotle himself separates *topoi* and *idia* sharply and seems intentionally to

⁴³ MS A and half of the β family have κοινοὶ instead of κοινῇ in *Rhetoric* A 2, 1358a 12: this reading (κοινοὶ) was preferred by Spengel (in his large edition of 1867), Roemer and Ross. However Kassel (1976) returned to (κοινῇ), which yields better grammar and was accepted by all the older editors, including Bekker. In any case, even on the reading κοινοὶ the term is used with an explicative function, as in *Rhetoric* A 2, (1358a 32), and not as part of the technical name of the concept.

⁴⁴ Thus, *Topics* B 4, 111b 8–9: «This *topos* is common to both processes, the destructive and the constructive (ὁ τόπος κοινὸς πρὸς ἄμφω, πρὸς τε τὸ ἀνασκευάζειν καὶ κατασκευάζειν)».

⁴⁵ *Supra* 40–41.

⁴⁶ *Supra* 30ff.

call only the former *topoi*. In the passage in the *Rhetoric* where he first introduces the concept of *topoi* and *idia* he contrasts the two terms three times,⁴⁷ apparently stressing that the two concepts refer to two things which are structurally different. But almost all scholars who followed Cope use the expression ‘specific *topoi*’ (*ἱδιοὶ τόποι) – an expression which is not Aristotelian – to denote the *idia*.⁴⁸

Finally, Cope did not show how *topoi* and *idia* work, or how they relate to each other. Cope’s analysis is vitiated because he did not sufficiently clarify his idea of what an Aristotelian *topos* is. Instead of looking at the *Topics* for an explanation of the concept, he defined the term *topos* by relying on Cicero’s idea of *locus* as *sedes argumenti*;⁴⁹ but Cicero’s concept is itself elliptical and needs to be clarified by looking at his examples of *loci*. Cope has not done this.⁵⁰

It was Solmsen who, in reconsidering the structure of the *Rhetoric* in 1929, tried to explain the expressions *topoi* and *idia* by tracing them back to the ‘second stage’ of Aristotle’s theory of rhetorical argumentation. Specifically, Solmsen (1929) isolated three different stages in Aristotle’s *Rhetoric*. He argued that in the first stage Aristotle saw rhetoric as the counterpart to dialectic as dialectic was presented in the *Topics*. Solmsen maintained that this is why Aristotle introduced his dialectical *topoi* into rhetoric, as a means of enabling speakers to construct their arguments.⁵¹ In the second stage, Aristotle broadened his views of rhetoric; and this is the moment, according to Solmsen, when the section about *topoi* and *idia* was composed. In this period, Aristotle came to consider as legitimate not only the enthymemes constructed on the basis of *topoi*, but also those constructed on the basis of the *idia*. As Solmsen argues, Aristotle regarded the *idia* in the same way as he regarded the premises described in the *Prior Analytics*, that is as premises which supply orators with the elements of valid syllogisms.⁵² In the third stage, Aristotle came to reject syllogisms constructed on the basis of *topoi*. As a consequence of the final establishment of his *Analytics*, he only accepted enthymemes derived from *idia*.⁵³

Solmsen’s views about the various strata of the *Rhetoric* have already been refuted elsewhere.⁵⁴ Yet some aspects of his analysis deserve further attention. In particular, Solmsen (1929, 163), contrary to Cope (1867), claimed that for Aristotle the proper *topoi* are only those that he has developed in the *Topics*. This is an interpretation which *Rhetoric* A 2, 1358a 10ff. seems to fully justify. Likewise, in spite

⁴⁷ See *Rhetoric* A 2, 1358a 10 and 17; 1358a 30; 1358a 31–32.

⁴⁸ See, for example, Grimaldi (1958, 8) and De Pater (1965, 120–121) and (1968, 177–181).

⁴⁹ *Infra* 116.

⁵⁰ On the same approach as Cope, see also Plebe (1990, 66–68) and Barthes (1994, 81–82).

⁵¹ Solmsen (1929, 208–210).

⁵² *Ibidem* 17–22 and 210–211, In particular 22: „diese εἶδη sind durchweg als Prämissen eines πρώτος συλλογισμός, dieser zwingendsten aller Schlußformen, gedacht“.

⁵³ *Ibidem* 20–23.

⁵⁴ See in particular Grimaldi (1972, 18–52).

of the fact that Solmsen's idea of *topos* is too general,⁵⁵ he rightly states that a *topos* is not part of the argument, but has to do with its *Form*.⁵⁶ Having correctly noted these points, Solmsen failed, however, to consider adequately their implications. In Solmsen's view *topoi* and *idia* are two independent sources of argumentation; but this idea gives rise to a major difficulty. The *topoi* impact on argumentation from a formal point of view. But it should be stressed that, precisely because of this link, speakers have to apply them by using specific contents in order to construct concrete arguments. As I demonstrated earlier, *topoi* alone do not enable speakers to discuss anything effectively: an argument concerning a specific discipline always necessitates the use of the contents of that discipline. Aristotle implicitly stresses this point when in the section on the *organa* in the *Topics*, before listing the *topoi* themselves, he instructs speakers in how to have premises at their own disposal.⁵⁷

The idea that speakers need both *topoi* and *idia* to construct arguments was claimed by McBurney in 1936, and a few decades later by Grimaldi in 1958.⁵⁸ Yet, since neither McBurney nor Grimaldi sufficiently justified their claim, their studies did not have a positive impact on later scholarship. McBurney's analysis was almost ignored by later scholars; while the author whose views met, and still meet with a general consensus, namely De Pater (1965) wrote in part in order to refute Grimaldi.

Like Cope, neither McBurney nor Grimaldi scrutinized the *Topics* in enough detail to see what precisely a *topos* is and, consequently, to show why *topoi* and *idia* must both be taken into consideration in the construction of arguments. In the section where McBurney outlined the relationship between *topoi* and *idia* he did not even mention the *Topics*. Hence, like Cope, he was satisfied with roughly defining a *topos* in Cicero's sense, as a «place from which arguments may be obtained».⁵⁹ Grimaldi started his study by remarking that Aristotle introduced the methodology of the *Topics* into rhetoric as an attempt «to validate a mode of intelligent discussion in the area of probable knowledge»,⁶⁰ and that, however, the method of the *Topics* itself «has not been fully understood».⁶¹ But he himself failed to make it easier to understand. Although he claimed to recognise the existence of a link between the *Rhetoric* and the *Topics*, he focused his analysis almost exclusively on the *Rhetoric*. It is only at the very end of his study, where he notes that «a word should perhaps be said about the *Topics*», that he presented a brief and inadequate account of the treatise.⁶²

⁵⁵ Solmsen does not consider, for example, the relationship between the τόποι and the four logical predicates, which is, however, of fundamental importance to understand the functioning of the τόποι. See *supra* 8ff.

⁵⁶ Solmsen (1929, 163): «der τόπος [...] das Formprinzip ist».

⁵⁷ *Supra* 30ff.

⁵⁸ McBurney (1936), cited from Erikson (1974, 126–127) and Grimaldi (1958, 16) and (1972, 134–135).

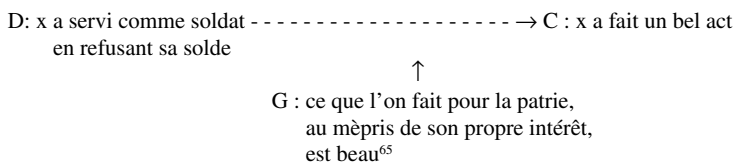
⁵⁹ McBurney (1936) cited from Erikson (1978, 126).

⁶⁰ Grimaldi (1958, 2).

⁶¹ *Ibidem* 1.

⁶² Grimaldi (1972, 123).

As mentioned earlier, De Pater is the scholar whose views on this question met and still meet with a major consensus.⁶³ In Chapter II of his study, he tried to clarify the relationship between *topoi* and *idia*. In echoing Solmsen's idea, he claimed that *topoi* and *idia* «peuvent figurer l'un sans l'autre».⁶⁴ De Pater showed that the *idia* can work independently of the *topoi* by presenting the following scheme based, as I said earlier, on Toulmin's model of argumentation (1958):



In Toulmin's model, defending a certain claim involves among other things (1) selecting certain facts on which the claim is based, the *data*, and (2) providing a justification or *warrant* for using the data concerned as support for the claim. In the above scheme D is for the data about the case (what De Pater calls the 'données'), C is for the conclusion to be proved, G is for the law, which for De Pater is the basis of the inference. This law is one of the *idia* listed by Aristotle in the *Rhetoric*.⁶⁶ De Pater (1965, 98) argued that C is established by means of G, and concluded that the *idia* «peut fonctionner comme loi inférentielle». De Pater's argument appears sound. But if this is the case, what is the relationship between *topoi* and *idia*? Do they work independently from each other, as De Pater maintains or are they both needed as, on the contrary, Grimaldi thinks? In the following paragraph I attempt to offer a solution.

My Interpretation

In *Rhetoric* A 2, 1358a 10ff., Aristotle introduces the *topoi* of the *Topics* as a way to help orators construct their arguments. He then speaks of *idia* that are the *protaseis* that put forward the specific contents of specific disciplines. As I have already stressed above, the *topoi*, being abstract schemes of arguments, require material for their practical application. In this light, Grimaldi is right in claiming that *topoi* and *idia* work together. This aspect is fully in line with what Aristotle says in book A of the *Topics* when introducing the sections on the *organa*.⁶⁷ Moreover, it is of no surprise that in the *Rhetoric* Aristotle explicitly appeals to the distinction between *protaseis* and *topoi* that he has made in the *Topics*:

⁶³ For scholars who have followed De Pater's view, see esp. Pelletier (1981, 62–65) and Sprute (1975) and (1982, 147–190).

⁶⁴ De Pater (1965, 98) and (1968, 179).

⁶⁵ De Pater (1965, 98).

⁶⁶ *Rhetoric* A 9, 1366b 36–38 : καὶ τὰ ἀπλῶς ἀγαθὰ, ὅσα ὑπὲρ τε πατρίδος τις ἐποίησε, παριδὼν τὸ αὐτοῦ.

⁶⁷ *Supra* 30ff.

«just as in the *Topics* (ἐν τοῖς τοπικοῖς), a distinction should be made between the *idia* and the *topoi* from which the enthymemes are to be taken (τὰ τε εἶδη καὶ τοὺς τόπους ἐξ ὧν ληπτέον). By *idia* I mean the propositions specific to each genus [of knowledge] (τὰς καθ' ἕκαστον γένος ἰδίας προτάσεις), while the *topoi* are those common to all (τόπους δὲ τοὺς κοινούς ὁμοίως πάντων).» (*Rhetoric* A 2, 1358a 29–32)

Having said this, however, it is undeniable that arguments can also be constructed independently from the *topoi*. As De Pater's example shows, it is possible to select one of the *idia* and use it as the major premise of a deductive argument. To quote another example, an *idion* stated at *Rhetoric* A 13, 1373b 27–28 reads:

«To be wronged is to suffer injustice at the hands of one who acts voluntarily.»

Granted that my interlocutor is willing to accept this proposition, which is an *endoxon*, I can use it as a major premise for proving that my friend Paul has been wronged at work. I can say that this is the case, by showing that Paul has suffered an injustice by, for example, a colleague who was jealous of his career.

This example offers a clear indication of the function of the *idia*. As I have just remarked, they put forward contents that can function as premises of arguments. The *idia* presented in the *Rhetoric* are *endoxa* – some of which are typical of Aristotle's own society, others of which are still shared nowadays. As such, they have a high potential for acceptance. *Idia*, however, do not say anything about the actual structure of the arguments. Speakers have to be able to use them in a way as to configure proper categorical or hypothetical deductions. They thus essentially differ from the *topoi*, since the latter give instructions on how to construct an argument; the *topoi* guide the speaker on how to organise certain contents into an argument, the *idia* only provide contents that need arrangement.

Even given the above distinction, it appears that the majority of arguments ultimately are derived from *idia*. Indeed, speakers can either use a *topos* and approach the construction of an argument from the abstract scheme – but ultimately the argument derives from the application of the *topos* to specific contents – or they can approach the argument by selecting the *idion* that will function as its major premise. The only case when speakers only use *topoi* is when the discussion is about the *topoi* themselves.

It is precisely this need for contents that Aristotle seems to have in mind when he points out that:

«Most enthymemes are derived from these *protaseis* that are particular and specific (τὰ πλείστα τῶν ἐνθυμημάτων ἐκ τούτων τῶν εἰδῶν λεγόμενα τῶν κατὰ μέρος καὶ ἰδίων), fewer from the common [*protaseis*] (ἐκ δὲ τῶν κοινῶν ἐλάττω).» (*Rhetoric* A 2, 1358a 26–28)⁶⁸

⁶⁸ The translation of this passage is mine. Kennedy refers the adjective 'common' to *topoi*. On the distinction between specific and common *protaseis* see *infra* 67–69.

and again in *Rhetoric* A 22, 1396a 33 – 1396b 9 where he further underlines the link with the framework of the *Topics*:

«As a result, since everyone seems to demonstrate arguments in this way, whether they reason in accordance with strict logic or more loosely (they do not take propositions from all sources but from those that are relevant to each subject), and since it is impossible through speech to demonstrate anything in any other way, it is evident that it is first necessary, as [described] in the *Topics*, to have selected statements about what is possible and most suited to the subject (φανερὸν ὅτι ἀναγκαῖον, ὥσπερ ἐν τοῖς τοπικοῖς, πρῶτον περὶ ἕκαστον ἔχει ἐξελεγμένα περὶ τῶν ἐνδεχομένων καὶ τῶν ἐπικαιροτάτων), and, when unexpected problems occur, to try to follow the same method, looking not to the undefined but to what inherently belongs to the subject of the discourse (τὰ ὑπάρχοντα περὶ ὧν ὁ λόγος) and marking off as many [facts] as possible and what are most closely relevant to the subject; for the more relevant facts [are] at hand, the easier it is to offer a demonstration [...]»

Three corollaries will complete my interpretation of the relationship between *topoi* and *idia*.

Idia and Koina

In the *Topics*, Aristotle focuses especially on the *topoi* and instructs dialecticians on how to tackle the construction of an argument from an abstract point of view. This approach is understandable: considering that a dialectical discussion could have been virtually on any topic, it would have been rather difficult to give details about the contents to be used in argumentation. Consequently in the section on the *organa*, as we have seen, Aristotle merely gives some indications about how to find the required propositions.

In dealing with rhetorical argumentation, the situation is different because its subject-matter is more limited. Aristotle in the *Rhetoric* distinguishes three kinds of possible orations with clear ends⁶⁹ and lists propositions containing *endoxa* that specifically relate to them. As Aristotle, in fact, writes:

«[...] it is [...] necessary [for a speaker] to have propositions on these matters (ἀνάγκη περὶ τούτων ἔχειν πρῶτον τὰς προτάσεις) (*scil.* the advantageous, the just, the honorable, and their opposites).» (*Rhetoric* A 3, 1359a 6–7)

In doing so, Aristotle is here applying what he himself advises dialecticians to do in the first *organon*, when he writes that speakers must describe their subjects, for example the ‘good’ (*Topics* A 14, 105b 12–15). And it is precisely the concept of ‘good’ that we find described at *Rhetoric* A, 6. But this is not enough. Aristotle notes that in addition to the contents that relate to each single rhetorical genre, orators should also know other contents which can be used to construct arguments generally. There are some propositions which orators can use for any argument and which are named as *koina* (literally ‘the common things’):

⁶⁹ See *supra* 52ff.

«Since there was a different end for each genus of speech, and opinions and premises have been collected for all of them, from which [speakers] derive *pisteis* when speaking in deliberation and in demonstrations and contention [...] it remains to describe the *koina* (λοιπὸν ἡμῖν διελθεῖν περὶ τῶν κοινῶν).» (*Rhetoric* A 18, 1391b 23–28)

Some scholars think that the expression *koina* means *koinoi topoi* (Cope 1877, II 179, partially Grimaldi 1988, 231 and Kennedy 1991). But such interpretation needs better definition. In dealing with these *koina*, the word *topos* does not occur. A description of the *topoi* only comes at *Rhetoric* B 23. What Aristotle calls the *koina* are still *protaseis* – and not argument schemes – concerning the possible and impossible (δυνατὸν καὶ ἀδύνατον), the past and future (τὸ γεγονὸς καὶ τὸ μέλλον) and amplification and depreciation (τὸ αὔξειν καὶ μειοῦν).⁷⁰ For Aristotle, all orators in their speeches make use of *protaseis* concerning the possible and impossible, they all try to show that something will be the case or that something has happened. Similarly, all use diminution and amplification when deliberating, praising or prosecuting. The *koina* are *protaseis* as the *idia* are. Yet, the difference between them is that while the *idia* are *protaseis* that relate to one of the specific genres of rhetoric, the *koina* are contents in common to all the three genres. In *Rhetoric* A 4 ff. Aristotle gives a list of *protaseis* which, as the *idia* do, can work as major premises of arguments. In dealing with the possible and the impossible, he lists *protaseis* such as:

«If it is possible for the opposite of something to exist or to have happened, the opposite would also seem to be possible.»⁷¹

Protaseis which are helpful to establish whether some action has or has not taken place include:

«If a person had the ability and was angry, and if he had the ability and longed for something, then he acted [...]»⁷²

As for the *protaseis* needed to amplify or diminish some acts, those premises that put forward the magnitude of things and the greater and lesser in general terms, he refers to a section of the *Rhetoric* where he explains the magnitude of goods for deliberative purposes and mentions *endoxa* such as:

«What is more preferable in itself [is a greater good] than what is not.»⁷³

Interestingly enough, in *Rhetoric* B 26, 1403a 17–25 Aristotle points out that amplification should not be intended as a *topos*; amplification is not a *topos* because it has no identifiable argumentation pattern of its own:

⁷⁰ See *Rhetoric* B 18–20, 1392a 8 – 1393a 20.

⁷¹ *Rhetoric* B 19, 1392a 9–10: ἂν δὴ τὸ ἐναντίον ἢ δυνατόν ἢ εἶναι ἢ γενέσθαι, καὶ τὸ ἐναντίον δόξειεν ἂν εἶναι δυνατόν.

⁷² *Rhetoric* B 19, 1392b 21–22: εἰ ἐδύνατο καὶ ὀργίζετο, καὶ εἰ ἐδύνατο καὶ ἐπεθύμει.

⁷³ *Rhetoric* A 7, 1364a 1: τὸ αἰρετὸν καθ' αὐτὸ τοῦ μὴ καθ' αὐτό.

«To amplify and to deprecate is not an element of an enthymeme (τὸ δ' αὖξιν καὶ μειοῦν οὐκ ἔστιν ἐνθυμήματος στοιχείον). (I call the same thing 'element' and '*topos*'; for an element or a *topos* [is a heading] under which many enthymemes fall).⁷⁴ To amplify and deprecate contribute to showing that something is great or small, just as also [to showing that something is] good or evil or just or unjust and anything else, but all these things are the subjects of syllogisms and enthymemes (τὰυτα δ' ἔστιν πάντα περὶ ἃ οἱ συλλογισμοὶ καὶ τὰ ἐνθυμήματα), so if each of them is not a *topos* of an enthymeme (μηδὲ τούτων ἕκαστον ἐνθυμήματος τόπος), neither is amplification and deprecation.»

Among other things, this passage shows remarkably well that the subject-matters of arguments are not what Aristotle considers as *topoi*. But this last remark leads us to the other corollary.

Idia as *Topoi*?

My main argument here is that for Aristotle the *topoi strictu sensu* are those argument schemes of universal applicability discussed in the *Topics* and reintroduced in *Rhetoric* A 2, 1358a 10ff. There is, however, a potential counter-argument. In the *Rhetoric* there are a few passages where Aristotle refers back to the *idia* by calling them *topoi*. For example, in considering the non-artistic *pisteis* (the means of persuasion which exist independently from the orators' invention)⁷⁵ Aristotle discusses 'witnesses'. At the end of the section he says the following:

«Other points about a witness – whether friend or enemy or in between, whether reputable or disreputable or in between, any other differences of this kind – should be chosen from the same *topoi* from which we derive enthymemes (ἐκ τῶν αὐτῶν τόπων λεκτέον ἐξ οἷων περ καὶ τὰ ἐνθυμήματα λέγομεν).» (*Rhetoric* A 15, 1376a 29–33)

This apparently refers to the sections on the *idia* where Aristotle introduces the premises for showing that the subject at stake is a friend or is reputable, or has the contrary attributes (in particular *Rhetoric* A 9 and B 4).

Now, in the above passage, as well as in the other passages quoted by Grimaldi (1958, 5–6),⁷⁶ Aristotle does not identify the term *topoi* with *idia*. He only uses the term *topos* in referring back to the sections where the *idia* are described, whereas the term never occurs when he introduces the *idia* in the *Rhetoric*: there the distinction between *topoi* and *idia* is sharp. I believe that this evidence supports Eide's idea⁷⁷ that Aristotle, in all those passages where he refers to the *idia* as *topoi*, uses the term *topos* with a different technical sense, one that has already been developed by rhetoricians before him, namely in the sense of '*subject-matter* indicator': *idia* are indications of topics to be used in argumentation. This use of *topos* already existed as a technical term in pre-Aristotelian rhetoric (Rubinelli 2006). In *Philip* 109 Isocrates

⁷⁴ On this passage see *supra* 12.

⁷⁵ *Supra* 50ff.

⁷⁶ See *Rhetoric* B 3, 1380b 29–31; B 22, 1396b 31–32; C 19, 1419b 15–29.

⁷⁷ Eide (1995, 18).

claims that the ‘good qualities of the soul’ of Heracles are an unworked *topos* that would be appropriate for praising the hero:

«Coming now to Heracles, all others who praise him harp endlessly on his valour or recount his labours; and not one, either of the poets or of the historians, will be found to have commemorated his other excellences – I mean those which pertain to the spirit. I, on the other hand, see here a subject matter peculiar to him and entirely unworked (Ἐγὼ δ’ ὁρῶ μὲν τόπον ἴδιον⁷⁸ καὶ παντάπασιν ἀδιεξέργαστον).»⁷⁹

This pre-Aristotelian use of *topos* appears clearly in a passage of the *Rhetoric* where Aristotle, having listed the *idia* about ‘happiness’, ends the section as follows:

«Virtue, since it is a *topos* most closely connected with forms of praise (περὶ δὲ ἐρετῆς ἐπεὶ περ οἰκειότατος ὁ περὶ τοῦ ἐπαινοῦ τόπος), must be left for definition when we given an account of praise». (*Rhetoric* A 5, 1362a 12–14)

In this way, if we take the original primary meaning of *topos* as strategy of argumentation,⁸⁰ it can be said that *idia* and *topoi* are two different species of strategies of argumentation: the *idia* are indication of subject-matters of arguments that orators must take into consideration to argue a case, the *topoi* are argument schemes of universal applicability. The former usage of the word *topos* is however rare in Aristotle. Moreover, he seems to carefully avoid it when he introduces into rhetoric the *topoi* that he has pioneered and, especially, when he distinguishes between argument schemes and the contents of arguments.

On the Strength of Arguments

The final corollary that concludes my explication of *topoi* and *idia* is about the nature of the arguments created by means of them.

In *Rhetoric* A 2, 1358a 2–10 Aristotle points out that among the enthymemes, as well as among dialectical syllogisms, there is a great difference overlooked by almost everybody (Τῶν δὲ ἐνθυμημάτων μεγίστη διαφορά καὶ μάλιστα λεληθυῖα σχεδὸν παρὰ πᾶσιν ἐστίν); for some enthymemes fall under rhetoric (as some syllogisms fall under dialectic), while other enthymemes belong to other disciplines. This passage does not prove, as Brunschwig (1967, CII) suggests, that the doctrine of the *Rhetoric* “est une nouveauté par rapport aux *Topiques*”, but rather it clarifies the epistemological status of the arguments which orators construct. In particular, the kind of *idia* chosen by the speaker precisely defines the difference among enthymemes referred to above.

⁷⁸ Here the adjective ἴδιον does not have any technical meaning. See De Pater (1965, 120) *contra* Grimaldi (1958, 5–7).

⁷⁹ Text after Mathieu (1924), translation by Norlin (1969).

⁸⁰ See *supra* 12ff.

Given that for Aristotle, dialectic and rhetoric are explicitly said to be concerned with *endoxa* that are not part of the theoretical body of any specific discipline,⁸¹ arguments will belong to rhetoric or dialectic only if they are constructed by means of protaseis, which are *endoxa*. If however, as Aristotle remarks in *Rhetoric* A 2, 1358a 22–26 speakers construct their arguments by selecting as premises the principles (ἀρχαί) of a specific discipline (that is, those contents which represent the foundations of a specific discipline, such as the laws for jurisprudence or the principles of harmony for music) arguments will no longer be dialectical or rhetorical. They will belong to the specific discipline whose contents have been selected.⁸² For example, Aristotle in the *Rhetoric* presents the following argument:

«If not even the gods know everything, human beings can hardly do so.» (*Rhetoric* B 23, 1397b 12–13)

The argument is an application of the *topos* from the more and the less (τόπος τοῦ μᾶλλον καὶ ἥττον) listed in *Topics* B 10, 115a 6ff., which suggests that speakers should establish a proposition (in the above passage ‘Men do not know everything’), by showing that the predicate it contains does not even belong to the subject to which it is more likely to belong.⁸³ This *topos* is here applied by means of an *endoxon*, namely that ‘Gods do not know everything’, and consequently the argument outlined belongs to rhetoric.

Cicero in the *Topica* presents the following case:

«If someone has not been freed by either having his name entered in the census-roll (*censu*) or by being touched with the rod (*vindicta*) or by a provision in a will (*testamento*), then he is not free (*liber*). » (*Topica* 10)⁸⁴

The argument is an inference drawn for establishing the social status of a person whose name is unknown. Cicero proves that this person has not been manumitted, that is he has not been released from slavery to the status of *civis*, because neither has his name been added to the census roll, the performance of *vindicta* has not taken place, nor has his owner freed him by will. At the heart of this argument there is a question of *accident*: that is, if the predicate ‘free’ can or cannot be attributed to the person involved in the case. Cicero constructs the argument

⁸¹ *Supra* 54ff.

⁸² ὅσῳ τις ἂν βέλτιον ἐκλέγῃται τὰς προτάσεις, λήσει ποιήσας ἄλλην ἐπιστήμην τῆς διαλεκτικῆς καὶ ῥητορικῆς· ἂν γὰρ ἐντύχη ἀρχαίς, οὐκέτι διαλεκτικὴ οὐδὲ ῥητορικὴ ἀλλ’ ἐκείνη ἔσται ἣς ἔχει τὰς ἀρχάς.

⁸³ *Topics* B 10, 115a 6–8: «Here is another topos; when one predicate is applied to two subjects (ἐνὸς περὶ δύο λεγομένου) if it does not belong to the one to which there is the greater likelihood of its belonging (εἰ ᾧ μᾶλλον εἰκὸς ὑπάρχειν μὴ ὑπαρχειν), it does not belong either to the one to which it is less likely to belong (οὐδ’ ᾧ ἥττον)».

⁸⁴ Text and translation after Reinhardt (2003). On this see more *infra* 130ff.

by applying one of the *topoi* of the *accident* listed in Aristotle's *Topics* B 4, 111a 33 – 111b 11:

«Since of all those things of which the genus is predicated (ὅν τὸ γένος κατηγορεῖται), one of its species must necessarily also be predicated (τῶν εἰδῶν τι κατηγορεῖσθαι).»

The *topos* can be used the other way around to refute the attribution of an *accident* by showing that none of the species of the *accident* under investigation belongs to the subject beings examined. Cicero applies the *topos* by means of a rule of Roman law, namely that 'To manumit a slave it is necessary to add his name on a census roll (this is the first species of the genus 'ways of being manumitted'), to perform an action *vindicta* (second species), or to free the person by will (third species)'.⁸⁵ Such a premise is not an *endoxon*, but it is part of the established body of knowledge of Roman law. It is what Aristotle in *Rhetoric* A 2, 1358a 25 would call a 'principle'. In these terms, given the assumption of such a proposition, Cicero's argument is no longer rhetorical, but belongs to law (Rubinelli 2003).

The distinction between dialectical/rhetorical *versus* science-related arguments has clear implications for the strength of the arguments themselves: the latter are in fact more cogent since they are based on less debatable evidence.

2.3.2.2 *Rhetoric* B 23

The Issue at Stake

In dealing with *topoi* in the *Rhetoric*, another crucial point deserves special consideration. Having introduced the dialectical *topoi* in *Rhetoric* A 2, 1358a 10ff. Aristotle inserts a list of 29 *topoi* in *Rhetoric* B 23 whose nature and role in the treatise is far from clear. Aristotle introduces the list by saying that it contains the *topoi* that apply to all subjects in common (καθόλου περὶ πάντων).⁸⁶ This claim has led Grimaldi (1988, II, 297–298) and De Pater (1965, 125), among others,⁸⁷ to argue that *Rhetoric* B 23 contains the *topoi* announced at A 2, 1358a 10ff., which I argued to be identical with those of the *Topics*; but this identification rises serious doubts. As the next paragraphs will show, more than a half of the *topoi* of Chapter B 23 differ from the dialectical *topoi*, or in other words are *topoi* of different species. Other scholars, including Huby (1989, 64) and Ophuijsen (1994, 144–145), while they have noted the difference, have failed to explain the extent of the difference itself or what it is that allows Aristotle to call them *topoi* and, more generally, how *Rhetoric* B 23 relates to the previous section of the treatise. A better attempt to assess this difference is found in Braet (2005, 69) who interestingly explains

⁸⁵ On the law itself see *infra* Chapter 4.

⁸⁶ *Rhetoric* B 22, 1397a 1–3.

⁸⁷ See also Huseman (1965, 48–50), Cazzola-Gastaldi (1976, 70) and Düring (1966, 144).

some typical features of these *topoi*. Braet's article does not however encompass the diachronic perspective of the present analysis, and no investigation is there conducted on the reasons for the apparent inconsistency between the passage where the *topoi* are introduced in *Rhetoric* A 2, 1358a 10ff. and B 23. Apart from the general importance of clarifying what Aristotle is doing here, a closer focus on this issue will reveal some essential factors that will be needed to understand the provenance of the list of *topoi* that Cicero will later describe as essentially Aristotelian.

Analysis of the Topoi

Before proceeding to analyse the *topoi* of *Rhetoric* B 23, it is worth recalling from Chapter 1 the main characteristics of the dialectical *topoi* discussed in the *Topics*. A dialectical *topos* is an argument scheme which: (1.) can be used to establish or refute a controversial standpoint; (2.) is based on a highly abstract principles, often related to the logical nature of the subject and predicate of the standpoint; and (3.) is subjectless and therefore of universal applicability.

The *topoi* of *Rhetoric* B 23 are all argument schemes, just as the dialectical *topoi* are. And they present a number of more or less fixed ingredients (Braet 2005, 68) that are similar to those of the dialectical *topoi* such as a name of the *topos* in the 'from' form, the instruction, a principle basing the instruction some examples, and some other remarks especially focused on the conditions for using the them.⁸⁸

Some of these *topoi*, however, differ from the dialectical ones in a very significant aspect. B 23 includes four different types of argument schemes that vary in their level of applicability:

1. Type I: *topoi* that also appear in the *Topics* and are of universal applicability;
2. Type II: *topoi* that are not found in the *Topics*, but are still of universal applicability;
3. Type III: less-abstract versions of the *topos* of the more and the less, to be used in rhetorical (that is deliberative/ judicial and epideictic) contexts only;
4. Type IV: *topoi* that focus mainly on interpersonal and emotional aspects of human relationships or on considerations valid in rhetorical contexts only.

The following table synoptically shows the classification of the *topoi* of B 23 according to the above fourfold typology⁸⁹:

⁸⁸ *Supra* 12ff.

⁸⁹ Since not all *topoi* have a defined name, I have added some names (where asterixes occur) according to the way they are presented.

N°	Name	Reference	Type
1	<i>Topos</i> from opposites (ἐκ τῶν ἐναντιῶν)	<i>Rhetoric</i> B 23, 1397a 7–19; <i>Topics</i> B 8, 113b 27–114a 6	I
2	<i>Topos</i> from grammatical forms of the same word (ἐκ τῶν ὁμοίων πτώσεων)	<i>Rhetoric</i> B 23, 1397a 20–23; <i>Topics</i> B 9, 114a 26–114b 5	I
3	<i>Topos</i> from correlatives (ἐκ τῶν πρὸς ἄλληλα)	<i>Rhetoric</i> B 23, 1397a 23–1397b 11; <i>Topics</i> B 8, 114a 13–25	I
4	<i>Topos</i> from the more and the less (ἐκ τοῦ μᾶλλον καὶ ἥττον)	<i>Rhetoric</i> B 23, 1397b 12–17 ⁴ ; <i>Topics</i> B 10, 114b 37–115a 14	I
5	<i>Topos</i> from the belonging on a similar degree (ἐκ τοῦ ὁμοίως ὑπάρχειν) ⁹⁰	<i>Rhetoric</i> B 23, 1397b 18–27; <i>Topics</i> B 10, 115a 15–24	I
6	<i>Topos</i> from looking at the time (ἐκ τοῦ τὸν χρόνον σκοπεῖν)	<i>Rhetoric</i> B 23, 1397b 27 – 1398a 3	III
7	<i>Topos</i> from turning what has been said against oneself upon the one who said it (ἐκ τῶν εἰρημένων καθ' αὐτοῦ πρὸς τὸν εἰπόντα)	<i>Rhetoric</i> B 23, 1398a 3–15	III
8	<i>Topos</i> from definition (ἐξ ὀρισμοῦ)	<i>Rhetoric</i> B 23, 1398a 15–28; <i>Topics</i> B 2, 109b 30–110a 9	I
9	<i>Topos</i> from the varied meaning [of a word] (ἐκ τοῦ ποσυχῶς)	<i>Rhetoric</i> B 23, 1398a 28–29	(I) ⁹¹
10	<i>Topos</i> from division (ἐκ τοῦ διαίρέσεως)	<i>Rhetoric</i> B 23, 1398a 29–32; <i>Topics</i> B 4, 111a 33–111b 11	I
11	<i>Topos</i> from induction (ἐκ ἐπαγωγῆς)	<i>Rhetoric</i> B 23, 1398a 32 – 1398b 19	II
12	<i>Topos</i> from a [previous] judgement (ἐκ κρίσεως)	<i>Rhetoric</i> B 23, 1398b 19 – 1399a 6	II
13	<i>Topos</i> from the parts (ἐκ τῶν μερῶν)	<i>Rhetoric</i> B 23, 1399a 6–9; <i>Topics</i> B 4, 111a 33–111b 11	I
14	<i>Topos</i> from the consequence (1) (ἐκ τοῦ ἀκολουθοῦντος)	<i>Rhetoric</i> B 23, 1399a 11–18	II
15	<i>Topos</i> from the consequence (2) (ἐκ τοῦ ἀκολουθοῦντος)	<i>Rhetoric</i> B 23, 1399a 17–28	II
16	<i>Topos</i> from considering when one's opponents do not praise the same thing openly and secretly (οὐ ταῦτα φανερώς ἐπαινοῦσι καὶ ἀφανῶς)*	<i>Rhetoric</i> B 23, 1399a 28–32	IV

⁹⁰ This *topos* is only given a name in the *Topics*. Scholars generally consider *topos* 4 and *topos* 5 as a single *topos* and speak of *Rhetoric* B 23 as containing a list of 28 *topoi* (see Cope 1877, II and Grimaldi 1988). However, since *topoi* 4 and 5 work on the basis of different logical laws, for the sake of clarity it is better to analyse them separately. Moreover, Aristotle himself treats them separately in the *Topics*. See also Kassel (1976, 127).

⁹¹ Aristotle traces this *topos* back to the *Topics*: ἄλλος ἐκ τοῦ ποσυχῶς, οἷον ἐν τοῖς τοπικοῖς περὶ τοῦ ὀξέος (*Rhetoric* B 23, 1398a 28–29). As Kassel (1976, 130) correctly notes, the reference is to the section where Aristotle discusses the second *organon* (*supra* 37ff.). This *topos* is a strategy but it is not, strictly speaking, an argument scheme. Presumably Aristotle is here referring to the fact that speakers must be able to define and distinguish terms which have several meaning, in order to use them appropriately in their arguments.

N°	Name	Reference	Type
17	<i>Topos</i> from analogy (ἐκ τοῦ ἀνάλογον ταῦτα συμβαίνειν)	<i>Rhetoric</i> B 23, 1399a 32–1399b 3	I ⁹²
18	<i>Topos</i> from arguing that if some result is the same, the things from which it resulted are also the same. (ἐκ τοῦ, τὸ συμβαίνον ἐὰν ᾗ ταῦτόν, ὅτι καὶ ἐξ ὧν συμβαίνει ταῦτα)	<i>Rhetoric</i> B 23, 1399b 4–13	IV
19	<i>Topos</i> from not always choosing the same thing before and after, but the reverse (ἐκ τοῦ μὴ τάντὸ ἀεὶ αἰρεῖσθαι ὕστερον ἢ πρότερον, ἀλλ' ἀνάπαλιν)	<i>Rhetoric</i> B 23, 1399b 13–19	IV
20	<i>Topos</i> from considering the purpose (τὸ οὐ ἕνεκ' ἂν εἴη ἢ γένοιτο)*	<i>Rhetoric</i> B 23, 1399b 19–30	IV
21	<i>Topos</i> from looking at what turns the mind in favour and what turns the mind against something (σκοπεῖν τὰ προτρέποντα καὶ ἀποτρέποντα)*	<i>Rhetoric</i> B 23, 1399b 30 – 1400a 5	IV
22	<i>Topos</i> from things that are thought to have taken place but yet are implausible (ἐκ τῶν δοκούντων μὲν γίνεσθαι ἀπίστων)	<i>Rhetoric</i> B 23, 1400a 5-14	IV
23	<i>Topos</i> from looking at contradictions (τὸ τὰ ἀνομολογούμενα σκοπεῖν)*	<i>Rhetoric</i> B 23, 1400a 14–22; <i>Topics</i> B 7, 113a 20–23	I
24	<i>Topos</i> from stating the cause of the false impression (τὸ λέγειν τήν αἰτίαν τοῦ παραδόξου)*	<i>Rhetoric</i> B 23, 1400a 22–29	IV
25	<i>Topos</i> from the cause (ἀπὸ τοῦ αἰτίου)	<i>Rhetoric</i> B 23, 1400a 29–35	II
26	<i>Topos</i> from seeing if there was or is a better plan (εἰ ἐνδέχεται βέλτιον ἄλλως ἢ ἐνδέχεται)*	<i>Rhetoric</i> B 23, 1400a 35 – 1400b 4	IV
27	<i>Topos</i> from looking at things done and to be done together (ὅταν τι ἐναντίον μέλλῃ πράττεσθαι τοῖς πεπραγμένοις, ἅμα σκοπεῖν)*	<i>Rhetoric</i> B 23, 1400b 4–8	IV
28	<i>Topos</i> from arguing on the basis of mistakes done (ἐκ τῶν ἁμαρτηθέντων κατηγορεῖν ἢ ἀπολογεῖσθαι)	<i>Rhetoric</i> B 23, 1400b 8–16	IV
29	<i>Topos</i> from the meaning of a name (ἀπὸ τοῦ ὀνόματος)	<i>Rhetoric</i> B 23, 1400b 16–25; <i>Topics</i> B 6, 112a 32–36	I

Examples of *topoi* from each type will help illustrate their nature.

The Topoi of the Topics

B 23 contains a few *topoi* that also occur in the *Topics*. A careful examination shows that the *topoi* selected from the *Topics* are or relate to the ‘most opportune and

⁹² Aristotle in the *Topics* does not speak of a *topos* from analogy tout court, yet several *topoi* construct inferences based on form of analogical reasoning. See for examples the *topos* from the like things in *Topics* B 10, 114b 25ff.

general' *topoi* mentioned by Aristotle in *Topics* H 4, 154a 13–15.⁹³ It seems that Aristotle has selected for the *Rhetoric* those strategies of highest generalities that can be used for dealing with any of the four *predicables* and, as such, whose application does not presuppose any knowledge of the *predicables*. Indeed, in the *Rhetoric* the fourfold distinction among *accident*, *genus*, *property* and *definition* is not found. In particular, by recalling the most general *topoi* previously discussed, we find that they occur in the *Rhetoric*:

<i>Topos</i>	Reference
From definition	<i>Rhetoric</i> B 23, 1398a 15–28
From oppositions of terms	<i>Rhetoric</i> B 23, 1397a 7–19; 1397a 23 - 1397b 11; 1400a 14–22
From co-ordinates and inflections	<i>Rhetoric</i> B 23, 1397a 20–23
From the case of like things	<i>Rhetoric</i> B 23, 1399a 32–1399b 3
From the greater and lesser degree	<i>Rhetoric</i> B 23, 1397b 12–17 ⁴
From the like degree	<i>Rhetoric</i> B 23, 1397b 18–27

In addition to the *topoi* above, the *Topics* and *Rhetoric* have in common the *topos* from division of a genus into its species (*Rhetoric* B 23, 1398a 29–32 and *Rhetoric* B 23, 1399a 6–9) and that of etymology (*Rhetoric* B 23, 1400b 16–25) which, although they do not appear among the most-opportune *topoi* in Aristotle's list in the *Topics*, are indeed useful for dealing with issues involving each of the four *predicables*.

In what follows, I present two of the *topoi* of type I.

1. *Topos* from opposites (ἐκ τῶν ἐναντίων) (*Rhetoric* B 23, 1397a 7–19)

«One *topos* of demonstrative [enthymemes] is that from opposites; for one should look to see if the opposite [predicate] is true of the opposite [subject] (δεῖ γὰρ σκοπεῖν εἰ τῷ ἐναντίῳ τὸ ἐναντίον ὑπάρχει), [thus] refuting the argument if it is not, confirming it if it is, for example [saying] that to be temperate is a good thing (τὸ σωφρονεῖν ἀγαθόν), for to lack self-control is harmful (τὸ [...] ἀκολασταίνειν βλαβερόν).» (*Rhetoric* B 23, 1397a 7–10)

This *topos* is a logical scheme of argument which suggests that speakers should establish or refute the attribution of a predicate to a subject, by showing that the contrary of the predicate being examined belongs or does not belong to the contrary of the subject being examined. It is based on the logical law stating that 'Contraries follow contraries either directly or in reverse order.'⁹⁴ In the above passage, Aristotle applies this *topos* to discuss what, according to the *Topics*, would be a question of *accident* (if the *accident* 'to be good' belongs to the subject 'to be temperate' or not). Thus, he argues that 'to be temperate is good', because the contrary of the *accident* 'to be good', that is 'to be bad',⁹⁵ belongs to the contrary of 'to be temperate', that is 'to be licentious'.

⁹³ *Supra* 41–42.

⁹⁴ *Supra* 15.

⁹⁵ Literally, Aristotle says 'harmful' (βλαβερόν) rather than 'bad' (κακόν), by seemingly taking for granted that everything that is harmful is bad.

2. *Topos* from (different) grammatical forms of the same word (ἐκ τῶν ὁμοίων πτώσεων) (*Rhetoric* B 23, 1397a 20–23)

«Another is from [different] grammatical forms of the same word: for the same [predicate] should be true or not true (ὁμοίως γὰρ δεῖ ὑπάρχειν ἢ μὴ ὑπάρχειν), for example, [to say] that the just is not entirely good (τὸ δίκαιον οὐ πᾶν ἀγαθόν); for then what is done justly would be a good, but as it is, to be put to death justly is not desirable (οὐχ αἰρετὸν τὸ δικαίως ἀποθανεῖν).» (*Rhetoric* B 23, 1397a 20–23)

The above *topos* is an argument scheme that suggests that speakers should establish or refute the attribution of a predicate to a subject by showing that the predicate belongs or does not belong to one of the inflections (the πτώσεις) of the subject. It is based on the logical law stating that inflections of words have inflections of the same predicate. Aristotle exemplifies the *topos* by presenting a case of destructive criticism where he applies it to a question of *accident*, that is if the *accident* ‘good’ can be predicated of everything that is just. By considering the inflections ‘the just’ and ‘justly’, he argues that the *accident* ‘good’ cannot be predicated of everything which is just, because if this were so, it would be predicated of whatever occurs ‘justly’. But to be put to death ‘justly’ is not good (because for something to be a good it has to be choiceworthy).

This strategy is extensively discussed in the *Topics* for, again, it is useful for dealing with each of the four *predicables*. In the *Topics*, as Brunschwig (1967, 25) notes, ‘inflection’ «est une catégorie grammaticale d’usage assez élastique». The term is used to indicate the adverbs which derive from the root of a noun or an adjective, as ‘courageously’ (ἀνδρείως) from ‘courage’ (ἀνδρείος);⁹⁶ the inflections, for example as pertaining ‘to’ (τινι) something and as being ‘of’ (τινός) something;⁹⁷ or the genders, as ‘that which is proof’ (τὸ ἀμετάπειστον) and ‘he who is proof’ (ὁ ἀμετάπειστος).⁹⁸ In addition, in the *Topics* Aristotle includes inflections under the co-ordinates (σύστοιχα), a term which in the *Rhetoric* is only briefly mentioned in A 7, 1364b 34. Co-ordinates are the terms which belong to the same “*serie ontologique*”⁹⁹ and which all relate to a concept playing the role “*de chef de file*”,¹⁰⁰ for example, ‘just actions’ (τὰ δίκαια) and ‘just man’ (ὁ δίκαιος) are co-ordinates with ‘justice’ (δικαιοσύνη).¹⁰¹

Thus, we find this strategy explained for dealing

(a) with questions of *accident*:

«Again, you must look at the case of the coordinates and inflected forms of words both in destructive and constructive argument [...]» (*Topics* B 9, 114a 26–27)

⁹⁶ See *Topics* B 9, 114a 33–34 and Brunschwig (1967, 25).

⁹⁷ See *Topics* Δ 4, 124b 36 and Brunschwig *ibidem*.

⁹⁸ See *Topics* E 4, 133b 36 and Brunschwig *ibidem*.

¹⁰⁰ Brunschwig (1967, 152).

¹⁰⁰ *Ibidem*.

¹⁰¹ See *Topics* B 9, 114a 26–36.

In this case Aristotle argues that if the *accident* ‘to be praiseworthy’ belongs to ‘justice’ (δικαιοσύνη τῶν ἐπαινετῶν), then it also belongs to the co-ordinates of ‘justice’, like ‘the just man’, ‘the just action’ and ‘justly (done)’ (ὁ δίκαιος καὶ τὸ δίκαιον καὶ τὸ δικαίως).¹⁰²

(b) with questions of *genus*:

«Again, you must take the inflexions and the co-ordinates and see if they follow similarity, both in destructive and constructive argument. For whatever belongs or does not belong to one, at the same time belongs or does not belong to all (ἅμα γὰρ ἐνὶ καὶ πᾶσιν ὑπάρχει ἢ οὐχ ὑπάρχει) [...] » (*Topics* Δ 3, 124a 10–12)

Similarly, whatever belongs or does not belong to one of the co-ordinates and inflexions, belongs or does not belong to all of them. Thus, if the term ‘knowledge’ can be predicated as the *genus* of ‘justice’ (εἰ ἡ δικαιοσύνη ἐπιστήμη τις), then the term ‘knowingly’ will be the *genus* of ‘justly’ (τὸ δικαίως ἐπιστημόνως) and ‘man of knowledge’ the *genus* of ‘just man’ (ὁ δίκαιος ἐπιστήμων).¹⁰³

(c) with questions of *property*:

«Next, you can take the inflexions and see, for destructive criticism, whether one inflexion fails to be a property of another inflexion (εἰ ἡ πτώσις τῆς πτώσεως μὴ ἔστιν ἴδιον); for then neither will one changed inflexion be a property of the other changed (οὐδὲ γὰρ ἡ πτώσις τῆς πτώσεως ἔσται ἴδιον).» (*Topics* E 7, 136b 15–20)

As an example of destructive criticism, Aristotle argues that ‘to be honourable’ is not a property of ‘just’ (ἐπεὶ οὐκ ἔστι δικαίως ἴδιον τὸ καλῶς), for ‘honourably (done)’ is not a property of ‘justly (done)’ (οὐδ’ ἂν τοῦ δικαίου εἴη ἴδιον τὸ καλόν).¹⁰⁴

(d) with questions of *definition*:

«Furthermore, you must see whether the similar inflexions in the definitions apply to the similar inflexions of the term (Ἐπὶ τῶν ὁμοίων τοῦ ὀνόματος πτώσεων αἱ ὁμοίαι τοῦ λόγου πτώσεις ἐφαρμόττουσιν).» (*Topics* Z 10, 148a 10–14)

The similar inflexions of the definition must belong to the similar inflexions of the subject being defined. Thus, if the definition of ‘beneficial’ (ὠφέλιμον) is ‘productive of health’ (τὸ ποιητικὸν ὑγείας), the definition of ‘beneficially’ (ὠφέλιμως) must be ‘in a manner productive of health’ (τὸ ποιητικῶς ὑγείας). Should the latter not be accepted, the former is also to be rejected (*Topics* Z 10, 148a 10–12).

¹⁰² *Topics* B 9, 114b 2–3.

¹⁰³ *Topics* Δ 3, 124a 12–14.

¹⁰⁴ *Topics* E 7, 136b 23–28. Presumably, ‘honourably’ is not a *property* of ‘justly’ because it does not belong to ‘justly’ alone, and it is not coextensive with it. On the definition of *property* see *supra* 8–9.

Other *Topoi* of Universal Applicability

To illustrate the category of *topoi* that do not occur in the *Topics* but are nevertheless of universal applicability, I present two examples.

1. *Topos* from the consequence (ἐκ τοῦ ἀκολουθοῦντος) (*Rhetoric* B 23, 1399a 11–18)

«Another is to exhort or dissuade and accuse or defend and praise or blame on the basis of the consequence, since in most instances it happens that something good and bad follow from the same [cause]. For example, being envied is an evil result of being educated (τῇ παιδεύσει τὸ φθονεῖσθαι ἀκολουθεῖ κακόν), but the wisdom [acquired] is a good thing (τὸ δὲ σοφὸν εἶναι ἀγαθόν); therefore, [it may be argued] one should not be educated; for one ought not be envied (δεῖ παιδεύεσθαι, φθονεῖσθαι γὰρ οὐ δεῖ). [Or] one should then be educated; for one ought to be wise (δεῖ μὲν οὖν παιδεύεσθαι, σοφὸν γὰρ εἶναι δεῖ). This topic constitutes the Art of Callippus (ἡ Καλλίππου τέχνη)¹⁰⁵ [...]» (*Rhetoric* B 23, 1399a 11–17)

The above *topos* suggests that speakers should argue by looking at what is ‘concomitant’; that which attends upon something, as either antecedent, simultaneous, or subsequent.¹⁰⁶ This *topos* is often used in ordinary situations, as when a mother persuades her child to take a medicine by telling the child that after the medicine he/she will have an ice-cream; or another case, when a doctor advises a patient to stop smoking to improve his/her health. In the passage above, Aristotle presents the strategy so as to make it useful for rhetorical purposes. Thus, he suggests that orators should examine the bad and good consequences that are usually attached to the performance of a human action, and choose the ones appropriate for their arguments. Aristotle illustrates the strategy with a passage from Euripides’ *Medea*,¹⁰⁷ where Medea points out to Creon that children should not have a superior education in order not to arouse the envy of their fellow-citizens. ‘Education of children’, Aristotle explains, usually has a good consequence, such as wisdom, and a bad consequence, such as envy of one’s fellow-citizens. Thus, it is possible to argue either that children should not have a high education in order not to arouse envy, or that they should be educated in order to become wise.¹⁰⁸

2. *Topos* from the cause (ἀπὸ τοῦ αἰτίου) (*Rhetoric* B 23, 1400a 29–35)

«Another is from the cause [and effect]: if the cause exists, the effect does (ἐάν τε ὑπάρχη, ὅτι ἔστι); if it does not, there is no effect (κἂν μὴ ὑπάρχη, ὅτι οὐκ ἔστιν). The cause and that of which it is the cause go together (ἅμα γὰρ τὸ αἷτιον καὶ οὐ αἷτιον), and without there is nothing. For example, when Leodamas was defending himself against Thrasybulus’ charge

¹⁰⁵ On the reference to Callippus, see *infra* 84.

¹⁰⁶ In the *Topics*, the attention on the ‘consequence’ is framed in a propositional setting: there Aristotle suggests that one should find implications between propositions of the form ‘antecedent-consequent’ for developing modus ponens/tollens arguments. See *supra* 21–23.

¹⁰⁷ See Cope (1877, II 270) and Grimaldi (1988, 316).

¹⁰⁸ *Topos* 15 (*Rhetoric* B 23, 1399a 17–28) is a corollary of this scheme which is useful for dealing with cases where two contraries have both a good and a bad consequence.

that his name had been inscribed [as a traitor] on a stele on the acropolis but had been cut out in the time of the Thirty [Tyrants], he said it was not possible (οὐκ ἐνδέχεσθαι ἔφη); for the Thirty would have trusted him more if his hatred of the democracy had remained inscribed (μᾶλλον γὰρ ἂν πιστεύειν αὐτῷ τοὺς τριάκοντα ἐγγεγραμμένης τῆς ἔχθρας πρὸς τὸν δῆμον).» (*Rhetoric* B 23, 1400a 29–35)

The *topos* from the cause is a strategy which suggests that speakers should find an implication of the form ‘cause–effect’, and argue in particular from the existence or non-existence of the cause, to existence or non-existence of its effect. If it is taken in its broadest sense, this strategy is based on the natural law of causation that can be used for a variety of contexts. Inferences from cause to effect are made in science to forecast the occurrence of a certain phenomenon. In meteorology, for example, the observation of the occurrence of certain conditions in the atmosphere leads scientists to forecast the effect of which such conditions are the cause. In the *Rhetoric*, Aristotle employs it in the context of judicial rhetoric where the term ‘cause’ is more properly used with the meaning of ‘motive or purpose’, that is the reason that has led a person to do a certain action. The occurrence or non-occurrence of a motive alone does not establish the guilt or innocence of an accused, but a lack of motive in this sense may be an important element in proving innocence. Aristotle gives an example of this in the passage above. At some stage prior to 404 BC, an oligarch, Leodamas, had had his name inscribed on a pillar on the Acropolis as an opponent of democracy. After the expulsion of the thirty tyrants by Thrasybulus, the latter charged Leodamas with having cut out his name from the column in the time of the Thirty.¹⁰⁹ Leodamas replied that it was impossible; for the Thirty would have trusted him more if the record of his hostility to democracy had remained engraved on the column. Here, Leodamas argued from the non-existence of the motive (he had no reason to hide the fact he was anti-democratic) to the non-existence of the effect (he did not cut out his name from the column).

The Rhetorical Topoi (I)

In *Rhetoric* B 23 Aristotle lists as separate two *topoi* which are presentations at a less abstract level of the *topos* of the more and the less explained in *Rhetoric* B 23, 1397b 12–17⁴, and which are useful only for dealing with contexts about human actions. Indeed, these two *topoi* follow the *topos* from the more and the less in the list. More specifically, reference is made to the following.

1. *Topos* from looking at the time (ἐκ τοῦ τὸν χρόνον σκοπεῖν) (*Rhetoric* B 23, 1397b 27 – 1398a 3)

«Another is from looking at the time, for example, what Iphicrates said in the speech against Hermodius: “If, before accomplishing anything, I asked to be honored with a statue if I succeeded, you would have granted it (εἰ πρὶν ποιῆσαι ἤξιουν τῆς εἰκόνης τυχεῖν ἔαν ποιήσω, ἔδοτε ἄν). Will you not grant it [now] when I have succeeded? (ποιήσαντι δ’ ἄρ’)

¹⁰⁹ See Cope (1877, II 291) and Grimaldi (1988, 330).

οὐ δώσετε;) Do not then make a promise in anticipation but refuse it in realization.» (*Rhetoric* B 23, 1397b 27–30)

The example quoted is an inference ascribed to Iphicrates (the general who defeated a Spartan hoplite force at Lachaeum in 392 BC), in the case against Harmodius. Iphicrates, after having retired into private life, claimed a statue that had been promised in commemoration of victory against the Spartans, but Harmodius opposed the grant.¹¹⁰ Iphicrates argues that since the statue had been promised to him before he had actually done the deed, now that he had defeated the Spartans, the statue should not be refused. This argument is an application of one of the species of *topos* of the more and the less, that is:

«When one predicate is applied to two subjects (ἐνὸς περὶ δύο λεγομένου) [...] if it belongs to that to which it is less likely to belong, it belongs also to that to which it is more likely to belong (εἰ ὃ ἥττον εἰκὸς ὑπάρχειν ὑπάρχει, καὶ ὃ μᾶλλον).» (*Topics* B 9, 115a 7–8)

The strategy suggests an examination of cases where the same predicate is applied to two different subjects in a different degree; it is based on the logical law stating that ‘if the predicate belongs to the subject to which it is less likely to belong, it belongs also to that to which it is more likely to belong’. In the case of the *Rhetoric*, this strategy is presented for dealing with cases where a certain predicate, in the example ‘to grant a statue’, belongs to a subject in two different moments of time (that is, the time before Iphicrates defeated the Spartans and the time after the defeat), and in a different degree (it is less likely that a city would grant a statue in commemoration of a victory before the victory has been gained than for it to grant the statue afterwards). Thus, as Iphicrates argues, since the archons were prepared to grant the statue before he had defeated the Spartans (that is, since the predicate belongs to the subject in circumstances in which it is less likely to belong), they should not refuse the grant now that he has defeated them (that is, the predicate belongs also to the subject in circumstances in which it is more likely to belong).

2. *Topos* from turning what has been said against oneself upon the one who said it (ἐκ τῶν εἰρημένων καθ’ αὐτοῦ πρὸς τὸν εἰπόντα) (*Rhetoric* B 23, 1398a 3–15)

«Another is from [turning] what has been said against oneself upon the one who said it, but the way of doing it differs [with the context] [...] [there is] the argument Iphicrates used against Aristophon when he asked [the latter] if he would betray the fleet for money. After [Aristophon] denied it, [Iphicrates] said, “If you, being Aristophon, would not pay the traitor, would I, Iphicrates?” (σὺ μὲν ὢν Ἀριστοφῶν οὐκ ἂν προδοίης, ἐγὼ δ’ ὢν Ἰφικράτης;) But the opponent should be one who seems more likely to have done wrong. Otherwise, it would seem ludicrous if some one were to say this in reply (δεῖ δ’ ὑπάρχειν μᾶλλον ἂν δοκοῦντα ἀδικῆσαι ἐκείνον· εἰ δὲ μή, γελοῖον ἂν φαίνηι) [...]» (*Rhetoric* B 23, 1398a 3–9)

¹¹⁰ See Cope (1877, II 250–251).

This strategy is illustrated by means of an argument delivered by the general Iphicrates against Chares' and Aristophon's charge of betrayal in the Social War.¹¹¹ Cope (1877, II 252) explains the context of the main lines of the argument:

«Iphicrates asks Aristophon, who had accused him of taking bribes to betray the fleet, 'Would you have done it yourself?' 'No, I am not like you.' 'Well then, as you admit that you, Aristophon, are incapable of it, must not I, Iphicrates, your superior in virtue and everything else, be still more incapable of it?'»

Iphicrates' argument is an application of the following kind of the *topos* of the more of the less:

«when one predicate is applied to two subjects, then, if it does not belong to the one to which there is the greater likelihood of its belonging, it does not belong either to the one to which it is less likely to belong (εἰ ᾧ μᾶλλον εἰκὸς ὑπάρχειν μὴ ὑπάρχει, οὐδ' ᾧ ἥττον).» (*Topics* B 9, 115a 6–7)¹¹²

This strategy is similar to that described in dealing with the previous *topos*, where the same predicate belongs to two different subjects in a different degree. But in the previous case, the argument was based on the fact that if a predicate belongs to that to which it is less likely to belong, it belongs also to that to which it is more likely to belong. Here the strategy runs from the non-belonging to the subject to which there is the greater likelihood of its belonging, to the non-belonging to the subject to which it is less likely to belong. In the example given by Aristotle, the predicate 'to take bribes to betray the fleet' applies to two different subjects (Iphicrates and Aristophon) and in a different degree (given that it is more likely that a person who is morally inferior, like Aristophon, takes bribes to betray the fleet rather than a person who is morally superior, like Iphicrates). Thus Iphicrates argues that since Aristophon answered that he would have not been capable of taking bribes (that is, since the predicate does not belong to the subject to which it is more likely to belong), he himself would have been even more incapable of taking bribes (that is, the predicate does not belong to the subject to which it is less likely to belong). As Aristotle points out, this strategy can be applied only if the person who uses it is conscious of his moral superiority, and knows that the audience also shares his conviction. The difference in morality is in fact what determines the different degree of belonging of the predicates, and ultimately allows the application of the strategy.

As underlined in the explanation of the previous *topos*, the *topos* of the more and the less is here presented in a specific format for dealing with cases where the two subjects under investigation are two persons of different moral status. Accordingly, this *topos* is appropriate in rhetoric, but it is not of universal applicability.

¹¹¹ See Cope (1877, II 253) and Grimaldi (1988, 304).

¹¹² Both Cope (1877, II 251–255) and Grimaldi (1988, 303–305) fail to recognise this point.

The Rhetorical Topoi (II)

A large number of *topoi* presented in *Rhetoric* B 23 are patterns of arguments useful only for dealing with rhetorical cases. They are strategies of argumentation which neither are related to the logical structure of an argument nor are expressed at a high level of abstraction; but simply provide speakers with considerations to make in order to arrive at a conclusion about certain actions. Specific analysis will be made on two of them.¹¹³

1. *Topos* from considering the purpose (τὸ οὐ ἐνεκ' ἃν εἴη ἢ γένοιτο) (*Rhetoric* B 23, 1399b 19–30)

«Another is to say that the purpose for which something might exist or might happen is the cause for which it does exist or has happened [...] from the Ajax of Theodectes, that Diomedes chose Odysseus not out of honour to him but in order that his companion might be inferior (ὅτι ὁ Διομήδης προεἰλετο, Ὀδυσσέα οὐ τιμῶν, ἀλλ' ἵνα ἤττων ᾦ ὁ ἀκολουθῶν); for he could have done it for this reason.» (*Rhetoric* B 23, 1399b 19–30)

The above strategy suggests that speakers should consider what seems to be the real motive that lies behind the apparent motive of an action,¹¹⁴ as this will help the audience to make up their mind about the quality of the action itself. The concealed motives can be as many as speakers may find, and they may be either good or bad. What is important is that speakers find a motive that is favourable to support their cases. Among other examples, Aristotle illustrates the strategy by quoting an interesting case found in Theodectes' *Ajax*, when Ajax and Odysseus were competing for the arms of Achilles. In spite of the fragmentary state of the text, the context of the competition is clear. Odysseus, in support of his position, relied on what Diomedes had done: he had chosen Odysseus out of all the Greeks to be his companion in the expedition to Troy by night. Thus Odysseus argued that the real reason for Diomedes' choice was that Diomedes thought him to be superior. Ajax replied by relying on the same action of Diomedes, but stressed a concealed motive, which while it was unfavourable to Odysseus supported his superiority. Ajax pointed out that Diomedes did not choose Odysseus because he was superior to all the Greeks, but because he wanted a person who was inferior to him.

2. *Topos* from looking at what turns the mind in favour and what turns the mind against something (σκοπεῖν τὰ προτρέποντα καὶ ἀποτρέποντα) (*Rhetoric* B 23, 1399b 30 – 1400a 5)

¹¹³ That is *topoi* 20 and 21. The reason for limiting the analysis to only two *topoi* is that, once the nature of this category of *topoi* has been established, the explanation of the other rhetorical *topoi* would simply be a repetition of what has been already done by Cope (1877) vol. II 274–275 (for *topos* 16), 277–279 (*topos* 18), 279–281 (*topos* 19), 285–287 (*topos* 22), 287–288 (*topos* 23), 293 (*topos* 26), 293–295 (*topos* 27), 295–296 (*topos* 28). See also Grimaldi (1988, 318–333).

¹¹⁴ See Cope (1877, II 281–283) *contra* Grimaldi (1988, 324).

«Another that is common both to litigants and deliberative speakers is to look at what turns the mind in favor and what turns the mind against something and for what reasons people both act and avoid action. For these are the factors that if present, impel action [but if not present, deter action] (ταῦτα γάρ ἐστιν ᾧ, ἐάν μὲν ὑπάρχη, δεῖ πράττειν, <ἐάν δὲ μὴ ὑπάρχη, μὴ πράττειν>) [...] This *topos* is the whole Art of Pamphilus and Callippus (ἔστι δ' ὁ τόπος οὗτος ὅλη <ἡ> τέχνη ἣ τε Παμφίλου καὶ ἡ Καλλίππου).»¹¹⁵ (*Rhetoric* B 23, 1399b 30 – 1400a 5)

This strategy suggests that speakers should consider the motives for actions and things that in general encourage, or deter men from acting, and should present them so as to arrive at a conclusion about a specific action. Aristotle does not present applications of this *topos*. However, he specifies some of the motives or deterrents that may be considered in discussing a case. Thus, for example, in order to lead citizens to do a certain action, the orator may stress that it is useful for the city. In the case where people know the action will provoke damage to the city, the orator may nevertheless exhort the performance of it by stressing that such damage will be inferior to the advantage that will ultimately ensue. The strategy is particularly used in forensic rhetoric, where orators must take into consideration the incentives and deterrents that could have led the accused to commit or not a certain crime (Rubinelli 2006).

Conclusions on B23

The Nature

The previous paragraphs make it clear that Aristotle in *Rhetoric* B 23 does not restrict the use of the term *topos* to the abstract argument schemes presented in the *Topics* and introduced in *Rhetoric* A 2, 1358a 10ff. In this chapter Aristotle discusses 29 *topoi* of four different kinds. The question is, do these 29 *topoi* have any common characteristics that justify the fact that he has grouped them together? The answer is yes. As has been suggested earlier, they are argument schemes: they are all devices for arriving at a certain conclusion about a case. Again, while they are not all of universal applicability, they can be applied to every rhetorical case. In other words, they are universal in the field of rhetoric.

The question of the function of this list in the framework of the *Rhetoric* will be considered shortly. Here it is important to focus on another detail, which emerges from what has already been said, and which has implications for the history of the term *topos* in the Greek tradition. Some passages of *Rhetoric* B 23 seem to suggest that some of the *topoi* on the list had already been systematised before Aristotle; and moreover that the term *topos* was already used to designate them. In particular, Aristotle refers to rhetoricians, like Pamphilus and Callippus,¹¹⁶ who he says based

¹¹⁵ On Aristotle mentioning Pamphilus and Callippus see next paragraph.

¹¹⁶ Aristotle's references to notices of Callippus and his art of rhetoric are all that is known of him (see Cope 1877, II 285). Pamphilus is mentioned by Cicero in *De Oratore* 3, 82.

their arts of rhetoric on the explanation of a certain specific *topos*. He points out that the *topos* from consequences (ἐκ τοῦ ἀκολουθοῦντος) constituted the main focus of Callippus' art, while the *topos* at *Rhetoric* B 23, 1399b 30 – 1400a 5 was considered by Pamphilus and, again, Callippus.¹¹⁷ *Topos* in the general sense of argument schemes also occurs in *Rhetoric* B 24. In this chapter Aristotle discusses some strategies behind the construction of invalid arguments, which, as Grimaldi (1988, 337) notes, orators must know in order to unmask false reasonings on the parts of others. This evidence might lead one to hypothesize that Aristotle, in writing the *Topics*, borrowed the term *topos* from a rhetorical tradition where it was already used with the general meaning of argument scheme, and developed his dialectical *topoi* by focusing on the special kind of strategies previously described. Hence, following this framework, it looks as if in the pre-Aristotelian tradition *topos* was already utilised in the rhetorical tradition to indicate strategies of argumentation of two different sorts: as an indicator of a subject matter to be used in an argument¹¹⁸ and as an argument scheme.

The Function

Contrary to what De Pater and Grimaldi think,¹¹⁹ the list of *Rhetoric* B 23 does not seem to be the explanation of the *topoi* introduced in *Rhetoric* A 2, 1358a 10ff. However, understanding the aim of this list in the context of the *Rhetoric* is not an easy task. As will be shown below, there are details which seem to suggest that *Rhetoric* B 23 was compiled independently from the rest of the treatise.

Discrepancies

The first thing to note is that in *Rhetoric* B 23 Aristotle neglects some of the fundamental concepts he has explained in the previous chapters, in particular the distinction between non-artistic and artistic proofs (ἄτεχνοι and ἐντεχνοὶ πίστεις) and the function of induction.

In *Rhetoric* A 2 Aristotle distinguishes between the means of persuasion which exist independently from the orators' invention, and those which orators have to design.¹²⁰ Such a distinction, while it is maintained in the chapters that precede *Rhetoric* B 23, is overlooked in *Rhetoric* B 23 itself. The non-artistic proofs are

¹¹⁷ In the same way, in *Rhetoric* B 23, 1400b 8–16 Aristotle mentions a *topos* which was the special focus of Theodorus of Byzantium's art (see Grimaldi 1988, 333): «Another *topos* is to accuse or defend on the basis of mistakes that have been made [...] This *topos* [...] is the whole art of Theodorus (ὅλη ἢ πρότερον Θεοδώρου τέχνη).» As Brunschwig (1996, 50) suggests, the expression ὁ τόπος οὗτος ὅλη τέχνη in *Rhetoric* B 23, 1400a 4 and 1400b 15–16 implies that for Aristotle these rhetoricians «had a much too narrow view of rhetorical argumentation, and that they were only too ready to take the small part of the art they had discovered as its whole».

¹¹⁸ *Supra* 69–70.

¹¹⁹ *Supra* 72.

¹²⁰ *Supra* 52–53.

treated separately from the artistic ones in A15, where Aristotle explains how to use laws, witnesses, contracts, tortures and oaths. But in *Rhetoric* B 23, while discussing a series of *topoi* which are useful to construct artistic proofs, he speaks, without making any differentiation, of a *topos* from a previous judgement (ἐκ κρίσεως).¹²¹ Now this *topos* is a strategy of universal applicability that suggests that speakers should support their position by quoting a judgement pronounced by an authoritative person or by a god. As such, it instructs one how to argue by using a non-artistic mean, namely the judgement of a certain authority: it enables the construction of arguments from authority:

«Another [*topos*] is from a [previous] judgement about the same or a similar or opposite matter, especially if all always [make this judgement] (μάλιστα μὲν εἰ πάντες καὶ ἀεὶ) - but if not, at least most people (οἱ γὰρ πλείστοι), or the wise (σοφοὶ) (either all of them or most) or the good (ἀγαθοί). Or [another example is] if the judges (οἱ κρίνοντες) themselves [have to decide] or those whom the judges approve or those whose judgement cannot be opposed, for example, those with legal authority to make it or whose judgment cannot be honorably opposed, for example, a father's or teacher's [...] as Sappho said, that it is bad to die; for the gods have so judged (οἱ θεοὶ γὰρ οὕτω κεκρίκασιν); for otherwise they would die [...]» (*Rhetoric* B 23, 1398b 19–31)¹²²

Again, in *Rhetoric* B 23 Aristotle includes *induction* among the *topoi* of the list, and shows examples of it. In particular, he presents an argument where the disciple of Gorgias, Alcidas, establishes that 'All honor the wise' by quoting a series of individual instances:

«Another is from induction [...] as Alcidas [argued], that all honor the wise (ὥς Ἀλκιδάμας, ὅτι πάντες τοὺς σοφοὺς τιμῶσιν); at least, Parians honored Archilochus despite the nasty things he said [about them]; and Chians Homer, though he was not a citizen; and Mytilenaeans Sappho, although a woman; and Lacedaemonians, though least fond of literature, made Chilon a member of their council of elders; and Lampsacenes buried Anaxagoras, though a foreigner, and even now still honor him [...]» (*Rhetoric* B 23, 1398a 32 – 1398b 17)¹²³

The fact that Aristotle says that induction is a *topos* is rather strange, for this claim is incompatible with the function attributed to induction in the *Topics*, and more importantly for the present purpose, in the previous chapters of the *Rhetoric*. In both

¹²¹ *Rhetoric* B 23, 1398b 19–1399a 6.

¹²² See Cope (1877, II 263–267) and Grimaldi (1988, 312–313). It is worth noting that Aristotle presents under the *topos* from a previous judgement ideas which are very similar to those already presented in *Rhetoric* A15 in dealing with the non-technical mean 'witnesses'; in particular where he states: «As for witnesses, they are of two sorts, some ancient, some recent (περὶ δὲ μαρτύρων, μάρτυρές εἰσι διττοί, οἱ μὲν παλαιοὶ οἱ δὲ πρόσφατοι). By ancient I mean the poets and other well-known persons whose judgements are clear; for example, the Athenians used Homer as a witness in their claim to Salamis [...] Recent witnesses are well-known persons who have given a judgement about something; for their judgements are also useful in controversies about similar things [...]» (*Rhetoric* A 15–16, 1375b 26 – 1376a 11).

¹²³ See Cope (1877, II 259–263) and Grimaldi (1988, 308–312).

the *Topics* and the chapters of the *Rhetoric* preceding *Rhetoric* B 23, induction, the process of establishing a general proposition by appeal to particular instances where its truth is known, is considered to be the form of argument which is alternative to the syllogism. Thus Aristotle writes in the *Topics*:

«[...] we must distinguish how many kinds of dialectical argumentation there are (πόσα τῶν λόγων εἶδη τῶν διαλεκτικῶν). Now there is, firstly, induction, and, secondly, deduction (Ἔστι δὲ τὸ μὲν ἐπαγωγή, τὸ δὲ συλλογισμός).» (*Topics* A 12, 105a 10–12),

and he writes in the *Rhetoric*, where the species of induction adopted is the ‘example’ (παράδειγμα):

«In the case of persuasion through proving or seeming to prove something, just as in dialectic there is on the one hand induction and on the other the syllogism (καθάπερ καὶ ἐν τοῖς διαλεκτικοῖς τὸ μὲν ἐπαγωγή ἐστὶ τὸ δὲ συλλογισμός) and the apparent syllogism, so the situation is similar in rhetoric (ἐναυτῶθα ὁμοίως); for the example is an induction (τὸ μὲν παράδειγμα ἐπαγωγή), the enthymeme a syllogism (τὸ δ’ ἐνθύμημα συλλογισμός). I call a rhetorical syllogism an enthymeme, a rhetorical induction an example [...] what the difference is between a paradigm and an enthymeme is clear from the *Topics* [...]» (*Rhetoric* A 2, 1356a 35 – 1356b 12)

Since the *topoi* are devices used to construct syllogisms, as Aristotle explicitly remarks in *Rhetoric* A 2, 1358a 10ff., to state that induction is a *topos* is a contradiction. Induction, while it is not a *topos* in the sense in which that term is used in the *Topics*, has however a specific role in both dialectic and rhetoric that is worth analysing on the basis of Aristotle’s words. Passages in the *Topics* show that in dialectic, while the syllogism is more cogent with an argumentative interlocutor, induction can be used as an alternative when the interlocutor is young, or not experienced in deductive reasoning (*Topics* Θ 14, 164a 13–14). Induction can also be used to establish those premises of syllogisms that the interlocutor does not accept. The *topoi*, as has been discussed in Chapter 1, are used to structure syllogisms, but to argue a real-life case effectively, speakers have to apply them by using *protaseis* which relate to the subject under discussion.¹²⁴ As Aristotle specifies in book Θ of the *Topics*, when interlocutors do not admit the *protaseis* which have been chosen, speakers may establish them via induction:

«The necessary premises, then, by means of which reasoning proceeds (Τὰς μὲν οὖν ἀναγκαίαις (scil. προτάσεις), δι’ ὧν συλλογισμός), ought not to be advanced immediately in their original form, but you must keep as far away from them as you can; for example, if you wish to establish that the knowledge of contraries is the same, you should make the claim not for contraries but for opposites; for, if this is granted, you will then argue that the knowledge of contraries is also the same, since contraries are opposites. If, on the other hand, the answerer refuses to admit this, you should then establish it by induction, making a proposition dealing with particular contraries (δι’ ἐπαγωγῆς ληπτέον προτείνοντα ἐπὶ τῶν κατὰ μέρος ἐναντίων). (*Topics* Θ 1, 155b 29–38)

¹²⁴ *Supra* 30ff.

In rhetoric, however, since induction is more easily grasped than deduction by the majority of people (*Topics* A 12, 105a 17–19), it is used more extensively than in dialectic. Thus, for example, it is the form of reasoning more appropriate and effective in deliberative speeches, as we read at *Rhetoric* A 9, 1368a 29–33:

«Examples are best in deliberative speeches (τὰ δὲ παραδείγματα τοῖς συμβουλευτικοῖς); for we judge future things by predicting them from past ones; and enthymemes are best in judicial speeches (τὰ δ' ἐνθυμήματα τοῖς δικανικοῖς), for what has happened in some unclear way is best given a cause and demonstration [by enthymematic argument].»

Carelessness: The Topoi from Division and from the Parts

Before presenting a conclusion on the function of *Rhetoric* B 23, a final point deserves consideration. As readers of Aristotle know well, he is an author who, to borrow Cope's words, «more than all others requires a most liberal allowance for irregularities»¹²⁵; he is always hasty and often careless. In *Rhetoric* B 23 there is an instance of carelessness that is particularly striking: he introduces as two different *topoi* two strategies that are actually the same. As this occurs in a list of only 29 *topoi*, it casts doubts on the original composition and destination of the list itself. The two *topoi* in question are the following:

«Another [topos] is from division (ἐκ διαίρεσεως), for example, if [one says] “All people do wrong for one of three reasons: either for this, or this, or this; now two of these are impossible, but even [the accusers] themselves do not assert the third.» (*Rhetoric* B 23, 1398a 29–32).

«Another [topos] is from the parts (ἐκ τῶν μερῶν), as discussed in the *Topics*, [for example,] what kind of motion is the soul? For it is this or that. There is an example from the Socrates of Theodectes: “Against what holy place has he profaned? Which gods that the city recognizes has he not believed in?”.» (*Rhetoric* B 23, 1399a 6–9)¹²⁶

The *topos* from division and that from parts are both expressions of an abstract argument scheme that appears in the *Topics*: it suggests that speakers should establish or refute the attribution of a predicate to a subject by showing respectively, that one of the species of the predicate belongs to the subject, or that none of the species of the predicate belongs to the subject. It is based on the logical law stating that “of all those things of which the genus is predicated, one of the species must necessarily also be predicated”. We find an instance of this *topos*, for example, in *Topics* B 4, 111a 33–36, where we read:

«Since of all those things of which the genus is predicated, one of its species must necessarily also be predicated (ὥν τὸ γένος κατηγορεῖται, καὶ τῶν εἰδῶν τι κατηγορεῖσθαι), and since all those things which possess that genus, or derive their description from that genus, must also possess one of its species or derive their description from one of its species (ὅσα ἔχει τὸ

¹²⁵ Cope (1877, II 235)

¹²⁶ The importance and implications of this similarity have not been noted by commentators of the *Rhetoric*.

γένος ἢ παρωνύμιος ἀπὸ τοῦ γένους λέγεται, καὶ τῶν εἰδῶν τι ἀναγκαῖον ἔχειν ἢ παρωνύμιος ἀπὸ τίνος τῶν εἰδῶν λέγεσθαι).»¹²⁷

Going back to the examples in the *Rhetoric* (B 23, 1398a 29–32), Aristotle explains the strategy with an example based on an argument delivered by Isocrates in the *Antidosis*.¹²⁸ In the case in question, the orator tries to refute the accusation of corrupting youth by dividing the generic term ‘motives for crime’ in the three specific motives which are most common, that is ‘pleasure’, ‘profit’ and ‘honour’. Thus, since the accused has not been found guilty of any of these species, the orator concluded that he did not have a conceivable motive for committing the crime¹²⁹ and so he is not guilty. Again, in *Rhetoric* B 23, 1399a 7–9, Aristotle presents an argument delivered by Theodectes in favour of Socrates and against Meletus’ charge.¹³⁰ Theodectes tries to refute the accusation that Socrates is guilty of impiety, and of disbelief in the gods, by claiming that Socrates has never profaned any temple, and that he has never neglected to worship the gods. Here the genus ‘impiety’ is subdivided into two species, ‘profanation of a temple’ and ‘neglect to worship gods,’ which (although this is questionable) for Theodectes represents the only two expressions of impiety. In these terms, since Socrates is not found guilty of any of these species, for Theodectes Meletus’ accusation is not well-grounded.

A Place in the Rhetoric?

The discrepancies highlighted above support the possibility that the list of *topoi* currently found in *Rhetoric* B 23 was not originally designed to be part of the *Rhetoric* or, at least, it was not the final version of the list to be included.

As *Rhetoric* A1 indicates, Aristotle wrote the treatise as a reaction against contemporary rhetoricians. He expressed the need for orators to be able to construct enthymemes which, however, had been neglected in contemporary rhetorical art.¹³¹ For such a purpose, in *Rhetoric* A 2, 1358a 10ff. he introduced the dialectical *topoi* developed in the *Topics*, by claiming that the *topoi* he refers to are those which he has discussed in the *Topics*, and which can be used to construct enthymemes about any subject matter. Contrary to the tone of these claims, which are definitely the expression of Aristotle’s consciousness of his own contribution to rhetoric, in *Rhetoric* B 23 he juxtaposes his own *topoi* with other kinds of *topoi* without differentiating them.

¹²⁷ In the *Topics* Aristotle illustrates this *topos* by means of the example he repeats in *Rhetoric* B 23, 1399a 6–7.

¹²⁸ §§ 217–220. See Cope (1877, II 258–259).

¹²⁹ It is worth noting that in dealing with cases like this the cogency of this *topos* is reduced. In fact, it is nearly impossible to contemplate all the possible species of motives that a man may have had for committing a crime. Thus, it may happen that the orator neglects to mention in the division a motive that will in its turn constitute the ground for the attack of the adversary.

¹³⁰ See Cope (1877, II 269).

¹³¹ *Supra* 59ff.

The present analysis might lead one to the question whether it was Aristotle himself who actually decided to add the list to the *Rhetoric*, or a pupil or successor. In the light of the existing evidence any answer would be a matter of pure speculation. What, however, has to be stressed is that *Rhetoric* B 23 could be taken away from the *Rhetoric* without compromising the understanding of the previous sections. If the previous sections of the *Rhetoric* are read in connection with the *Topics*, as Aristotle seems to suggest that reader should do, they form a completely autonomous treatise. On the contrary, if B 23 is left in the treatise, it confuses and sometimes contradicts some of Aristotle's key ideas in the earlier parts.

Revealing the discrepancy between the list of *Rhetoric* B 23 and the preceding chapters is of fundamental importance for understanding the development of the method of *topoi* in the later tradition. As will be shown, it would seem that someone else, in the period between Aristotle and Cicero, also realised that *Rhetoric* B 23 clashed with the idea of *topoi* presented in *Rhetoric* A 2, 1358a 10ff. and attempted to remedy the fault.

Part II
Topoi and Loci

Chapter 3

Cicero's Use of *Locus* in *De Inventione*

3.1 *Topoi* in the Peripatos

In the Peripatos after Aristotle, evidence on the impact of the method of his argument-schemes and its possible development is scanty. The student and successor of Aristotle in the Peripatetic school, Theophrastus, worked on *topoi*: we have the titles of the books he wrote on the subject.¹ But the extent of his contribution is far from clear. According to Bochenski (1947, 213), Theophrastus worked towards¹ an assimilation of the *topoi* to formal logic. We know from Alexander of Aphrodisias (late second and early third century AD) that Theophrastus formalised the distinction between the 'instruction' and the 'law' of a *topos* and called the former *parangelma* and only the law '*topos*'.² *Topoi* as laws seems to have been included by Theophrastus in his system of hypothetical syllogisms (that is, syllogisms where the first premise is a compound proposition of the form 'if p, then q') and considered, within an admittedly not Aristotelian perspective, as premises. As Ophuijsen (1994, 160) stresses, Aristotle never speaks of *topoi* as premises.³ After Theophrastus, only his successor Strato had an interest in *topoi*. However, there is nothing left of Strato's writings apart from some book-titles (Reinhardt 2003, 25). We only know from Alexander of Aphrodisias that Strato added a new *topos* on relations to the Aristotelian system, leading one to think that Theophrastus reductionist perspective did not shadow the interest on *topoi* as a subject on its own.⁴

The next direct evidence for Aristotle's *topoi* dates from 55 BC, namely Cicero's *De Oratore*, where for the first time he discusses a list of *loci* (singular *locus*, the Latin term for *topos*) that he specifically traces back to Aristotle. The term *locus*, without a reference to Aristotle, already appears however with a technical sense in Cicero's rhetorical treatise titled *De Inventione*. The aim of this chapter is to illustrate how *locus* is used in *De Inventione*. The first section will offer an introductory

¹ See Diogenes Laertius, *Vitae philosophorum* 5.42–50 (= fr.1 Fortenbaugh).

² *Supra* 14 and see Alexander of Aphrodisias, *In Aristotelis Topica* 2.2. 109a34 (= fr. 123 Fortenbaugh).

³ On this see further Solmsen (1929, 65–6) and Barnes (1985).

⁴ See Reinhardt (2003) and Ophuijsen (1994, 157–162).

overview of Cicero's theory of argumentation in *De Inventione*. This will facilitate the discussion of the uses of *locus* in the treatise, which will be addressed in the second section, thereby providing a useful starting point for approaching the analysis of the list of *loci* in *De Oratore* and *Topica* in the next chapter.

3.2 *De Inventione*

3.2.1 *Into the Mind of Cicero*

In Roman society, Marcus Tullius Cicero (106–43 BC) was famous for being the leading Roman advocate of his time. As Quintilian remarks, he was said to be king of the law courts (*regnare in iudiciis dictus est*).⁵ He was a man of considerable political influence, but was also genuinely fascinated by philosophy. Cicero has been studied through the years for his speeches which have been admired for their style, their rhetorical technique, and the evidence they provide for Roman political and social history. Although he was not a particularly original thinker, in the last twenty years his philosophical writings have stimulated a renewed scholarly interest as a lucid representation of crucial theoretical achievements of the prominent ancient schools.

No doubt much of the success of Cicero's writings is due to the fact that he was the first Roman thinker to assimilate and master the theory of rhetoric in the strictest sense. While the Greeks had explored the rhetorical field since Homer's time, Romans became conscious of the discipline only in the late third or early second century BC, in the period of their most rapid expansion in the Mediterranean. In the early first century BC, when Cicero was in his youth, the formal study of rhetoric was still in its infancy at Rome. Young Cicero was prompted by a precocious interest in rhetoric – probably enhanced by his studies in the house of the famous orator Crassus and by the many talks with the other great orator of the age, Antonius. Directly or indirectly, during his years of scholarly training Cicero came into touch with the best Roman orators and the most famous Greek rhetoricians (such as Apollonius Molon and the Academic philosopher Philo), who provided him with that eclectic open-mindedness with which all his works are marked.⁶

When Cicero was still a young student,⁷ he began an ambitious rhetorical treatise which has been transmitted as *De Inventione*. He never completed the treatise and he himself in a later work speaks of it as a book of his adolescence. Yet, rudimentary as it may have been, during the Middle Ages and Renaissance *De Inventione* was considered Cicero's main work on rhetoric, and it still nowadays offers an intelligent overview of the standard rhetorical theory of Cicero's time (Rubinelli 2002b).

⁵ *Institutiones Oratoriae* 2.17.23.

⁶ For a closer examination of Cicero's life and thought see in particular Kennedy (1972, Chapters 1–3), Powell (1999), Powell and Paterson (2004), Mackendrick (1989).

⁷ See Kennedy (1972, 101–110).

Accordingly *De Inventione* should be our first port of call if we look for an explanation of the meaning and use of the term *locus* in the post-Aristotelian tradition, though in focusing on *De Inventione* we should not overlook the use of the term in the other treatise on rhetoric preserved from the early Latin tradition, namely *Rhetorica ad Herennium*. This anonymous treatise, which draws on the same tradition as *De Inventione* and which for a thousand years was erroneously attributed to Cicero, also attests to different technical usages of the term. But for the purpose of this study it is less useful than Cicero's text and hence will play only a marginal role in the argument.

3.2.2 A 'Verge of Despair'

As the title suggests, *De Inventione* deals with *inventio*. That is to say, as Heath (1997, 98) put it, it deals with the aspect of the construction of a speech devoted to «a discovery of resources for discursive persuasion latent in any given rhetorical problem».⁸ In Aristotle's *Rhetoric*, as we have seen, Aristotle theorised several strategies and principles of *inventio* as a way to help orators discover arguments. Yet, Aristotle did not codify the concept of εὑρεσις (the Greek term for *inventio*) as we find it in the Latin tradition. Presumably Aristotle had an influence on his immediate successors, but rhetoric generally developed from the pre-Aristotelian tradition. In dealing with *inventio*, the main focus was not on the concept of proof by means of *ethos*, *pathos* and *logos*: traditional rhetoric still maintained a prominent interest in the parts of a speech (the *partes orationis*)⁹ which Aristotle – supporting a more theoretical approach to argumentation – had considered trivial. Accordingly, *De Inventione* contains a collection of precepts for helping orators to construct their speeches, by outlining what to say in each of its parts:

1. exordium (*exordium*): «the passage which brings the mind of the auditor into a proper condition to receive the rest of the speech»;¹⁰
2. narrative (*narratio*): «an exposition of events that have occurred or are supposed to have occurred»;¹¹
3. partition (*partitio*): «one form shows in what we agree with our opponents and what is left in dispute [...] in the second form the matters which we intend to discuss are briefly set forth in a methodical way»;¹²

⁸ *De Inventione* I, 9: *Inuentio est excogitatio rerum uerarum aut ueri similium quae causam probabilem reddant*. Text after Achard (1994), translation by Hubbell (1949).

⁹ See *supra* 48ff.

¹⁰ *De Inventione* I, 20: [...] *oratio animum auditoris idonee comparans ad reliquam dictionem*.

¹¹ *De Inventione* I, 19: [...] *rerum gestarum aut ut gestarum expositio*.

¹² *De Inventione* I, 31: *Vna pars est quae quid cum aduersariis conueniat et quid in controuersia relinquatur ostendit [...] Altera est in qua rerum earum de quibus erimus dicturi breuiter expositio ponitur distributa*.

4. confirmation (*confirmatio*): «the part of the oration which by marshalling arguments lends credit, authority, and support to our case»;¹³
5. refutation (*reprehensio*): «the part of an oration in which arguments are used to impair, disprove, or weaken the confirmation or proof in our opponents speech»;¹⁴
6. peroration (*conclusio*): «the end and conclusion of the whole speech composed of three parts, the summing-up [...] the exciting of indignation or ill-will against the opponent, [...] the arousing of pity and sympathy».¹⁵

Cicero discusses rhetorical invention with a richness of detail and examples that are very often difficult to follow.¹⁶ And it is unappealing to attempt an investigation of the sources that he may have used in writing the work. What Solmsen (1941, 144) pessimistically noted when generalising about post-Aristotelian theories of rhetorical argumentation can be safely applied to *De Inventione*:

«Generally speaking, post-Aristotelian theories of rhetorical argumentation show a curious mixture of Aristotelian and un-Aristotelian features [...] The result is that the *inventio* in most of the late *artes* reduces to the verge of despair anyone who attempts something in the nature of an historical analysis.»

Without attempting a detailed discussion on the origin of the sources used by Cicero in *De Inventione*,¹⁷ it is however important for my analysis to highlight in what significant aspects the theory of argumentation that Cicero offers for the *confirmation* (the part of the speech where orators present their arguments) differs from the methodology designed by Aristotle in the *Rhetoric*.

3.2.3 The Characteristic Empiricism

To clarify the argument it is useful to recapitulate some of the points made in the previous chapter. In opposition to contemporary handbooks of rhetoric, as Aristotle points out in the beginning of the *Rhetoric*, he focused his attention on the argumentative competence that the orator has to acquire and develop. Aristotle devoted two sections of the *Rhetoric* to explaining what orators have to know to be able to present themselves in a suitable light, and to create a suitable mood among the audience. In addition (and this seems to be the contribution of which Aristotle was particularly proud), he tried to instruct orators on how to construct rational proofs. To achieve

¹³ *De Inventione* I, 34: [...] *per quam argumentando nostrae causae fidem et auctoritatem et firmamentum adiungit oratio.*

¹⁴ *De Inventione* I, 78: [...] *per quam argumentando aduersariorum confirmatio diluitur [aut infirmatur] aut eleuatur.*

¹⁵ See *De Inventione* I, 98: *Conclusio est exitus et determinatio totius orationis. Haec habet partes tres: enumerationem, indignationem, conquestionem.* On the parts of a speech see more in Solmsen (1941), Martin (1974, 52–60) and Kennedy (1972, 114–117).

¹⁶ See Hubbell (1976, XI).

¹⁷ On this see Bione (1965, 128–149), Calboli (1969, 25–29), Kennedy (1972, 126–148).

this, he applied the mandate of *Topics* A 2, 101a 25–101b 4, to the *Rhetoric* by introducing his dialectical methodology of *topoi*.

Turning to *De Inventione*, the first thing to note is that in the section on *confirmatio* there is no sign of either Aristotle's fundamental distinction between artistic and non-artistic *pisteis*, or of Aristotle's three artistic *pisteis* (*ethos*, *pathos* and *logos*).¹⁸ In *De Inventione* Cicero employs the system of *staseis* (singular: *stasis*, in Latin *constitutio* or *status*) based on a series of categories for guiding students to recognise the central issue in a case,¹⁹ which as Wisse notes is incompatible with Aristotle's division of proof.²⁰ The theory of *stasis* was designed to classify themes according to the inner nature of the dispute: a *stasis* is the issue on which a case rests, for example whether something actually happened, or, accepting that it happened, whether what happened was a crime, or, accepting that it happened and that it was a crime, what degree of blame it deserves (Heath 1994). The most influential contributor to this theory was Hermagoras of Temnos (first half of the first century BC) who designed the system to discuss 'logical disputes' – that is, those concerned with the facts at stake, as opposed to legal issues turning on the interpretation of a law or other documents with legal force. In *De Inventione* Cicero discusses four kinds of *staseis* early in book one (I, 6–19) and in the section on argumentation in book two (II, 14ff.). It is worth quoting the passage where Cicero explains what sort of issues must be looked at when approaching the argumentation of a case. As we shall see, in Cicero's system there are four main issues (about a fact, its definition, its quality, or the legal process involved), one or the other must necessarily occur when speaking about a controversy:

«[...] when the dispute is about a fact (*facti controuersia*), the issue is said to be conjectural (*constitutio coniecturalis*), because the plea is supported by conjecture or inferences. When the issue is about a definition (*nominis controuersia*), it is called the definitional issue (*constitutio definitiua*), because the force of the term must be defined in words. When, however, the nature of the act is examined (*cum qualis res sit quaeritur*), the issue is said to be qualitative (*constitutio generalis*), because the controversy concerns the value of the act and its class or quality. But when the case depends on the circumstance that it appears that the right person does not bring the suit, or that he brings it against the wrong person, or before the wrong tribunal, or at a wrong time, under the wrong statute, or the wrong charge, or with a wrong penalty, the issue is called translatiue (*constitutio translatiua*) because the action sees to require a transfer to another court or alteration in the form of pleading.» (*De Inventione* I, 10)

If, on the one hand, the *stasis*-system plays a fundamental role in the structure of *De Inventione*, on the other hand, there are almost no traces of any method for constructing arguments echoing Aristotle's concepts of *topoi* and *protaseis*. Cicero

¹⁸ *Supra* 50ff.

¹⁹ On this see esp. Matthes (1958) and Calboli Montefusco (1986).

²⁰ Wisse (1989, 130–131): «The division of arguments in this system is based upon the division into many types of cases [...] which means that the arguments were treated only for each type. This makes the system incompatible with the division found in Aristotle [...] which is valid for all arguments and thus for all cases together, and is thus at a higher level of abstraction. So the division into technical and non-technical means of persuasion could not be adopted in the same form by the *stasis* system: some of the non-technical ones were useful for one type of case, others for other types.»

does present a series of precepts concerning the form and subject-matter of the arguments. Yet his theory of argumentation is generally speaking rudimentary. This point requires further investigation.

Cicero's concern with the subject-matter of arguments²¹ appears particularly in *De Inventione* I, 34–43, where he deals with a catalogue of 'attributes' (*quod est adtributum*)²² either of the person involved in the case or of the fact under discussion, which is useful for orators to take into consideration and present in their arguments. I will consider this catalogue in more detail in Section 3.3.2.

In connection with the subject-matter of the arguments, in *De Inventione* Cicero also presents a more formal classification organised according to what makes them plausible. In this context, he stresses that orators might use a sign (*signum*), a credible statement (*credibile*), a judgement (*iudicatum*) or a comparison (*comparabile*):

«A *sign* is something apprehended by one of the senses (*quod sub sensum aliquem cadit*) and indicating something that seems to follow logically as a result of it (*et quiddam significat quod ex ipso profectum uideatur*) [...] examples might be, blood, flight, pallor, dust, and the like. A statement is *credible* which is supported by the opinion of the auditor without corroborating evidence (*sine ullo teste auditoris opinione firmatur*): for example, "There is no one who does not wish his children to be safe and happy". *Judgement* is the approval of an act by the assent or authority or judicial decision of some person or persons (*res assensione aut auctoritate aut iudicio alicuius aut aliquorum conprobata*) [...] probability which depends on comparison involves a certain principle of similarity running through diverse material (*quod in rebus diuersis similem aliquam rationem continet*) [...]» (*De Inventione* I, 47–49)

Finally, he makes some epistemic comments about the conclusions of arguments. He distinguishes, with examples, between an *argumentatio* which is necessary (*necessaria*), namely an inference whose conclusion is necessarily true, and one whose conclusion is only probable (*probabilis*) because it is based on what happens for the most part:

«Those things are proved irrefutably which cannot happen or be proved otherwise than as stated (*Necesse demonstrantur ea quae aliter ac dicuntur nec fieri nec probari possunt*); for example, "If she has borne a child, she has lain with a man" [...] That is probable which for the most part usually comes to pass, or which is a part of the ordinary beliefs of mankind, or which contains in itself some resemblance to these qualities (*est id quod fere solet fieri aut quod in opinione positum est aut quod habet in se ad haec quandam similitudinem*), whether such resemblance be true or false. In the class of things which for the most part usually come to pass are probabilities of this sort: "If she is his mother, she loves him".» (*De Inventione* I, 44–46)²³

²¹ The *materia*, as Cicero says in *De Inventione* I, 34.

²² *De Inventione* I, 34.

²³ This distinction between *probabilis* and *necessaria argumentatio* goes back to Aristotle's distinction between ἐνθυμήματα ὥς ἐπὶ τὸ πολὺ and ἐνθυμήματα ἀναγκαῖα in *Rhetoric* A 2, 1357a 30–31. See Solmsen (1941, 172) *contra* Calboli Montefusco (1998, 4–13). On Aristotle's use of the expression ὥς ἐπὶ τὸ πολὺ in that context see Mignucci (1981, 178–179).

However, in *De Inventione* I, 51 Cicero also shows an interest in the form of arguments. In a comment which recalls Aristotle's distinction in *Rhetoric* A 2, 1356a 35–1356b 5,²⁴ he posits that an argument has to have the form either of an induction (*inductio*) or of a deduction (*ratiocinatio*), and he devotes a long section to explaining the parts of a deduction, reflecting the interest of Hellenistic rhetoric in the question of how many parts a full argument should have.²⁵ According to Cicero, deduction must have up to five parts (and not simply three) whenever one of its premises requires additional proof to be strengthened. Thus he writes:

«The following is an example: “If I was in Athens on the day on which the murder was committed at Rome, I could not have been present at the murder.” Because this is obviously true there is no point in having it proved (*Hoc quia perspicue uerum est, nihil attinet approbari*). Therefore we should pass immediately to the minor premise, as follows: “But I was at Athens on that day.” If this is not granted, it needs proof (*Hoc si non constat, indiget approbationis*), after which the conclusion follows (*complexio consequitur*).» (*De Inventione* I, 63)

It is also in this description of the forms of arguments, however, where Cicero's theory of argumentation shows its limitations compared to that of Aristotle. Cicero does recognise the general forms that arguments must have. But, unlike Aristotle, he gives virtually no theoretical indications on how to construct syllogisms and inductions. The very few instructions he does give for the actual construction of these kinds of arguments are for the most part undeveloped or rudimentary. In dealing with the *attributes* I will show how Cicero in *De Inventione* pays no attention to the strategies of inferences behind certain kind of arguments. To give an initial example, in the following passage Cicero claims that arguments from contraries (*in contrariis*) and from analogies (*ex paribus*) both fall under the general heading of ‘resemblance’ (*similitudo*):

«Resemblance is seen mostly in contraries, in analogies [...] in contraries, as follows: “for if it is right for me to pardon those who have wronged me unintentionally, I ought not to be grateful to those who have assisted me because they could not help it”. In analogies, thus: “For as a place without a harbour cannot be safe for ships, so a mind without integrity cannot be relied on by friends.”» (*De Inventione* I, 46–47)

From a logical point of view the above explanation is questionable: while analogy is effectively founded on the resemblance between things, the argument from contraries is based on the relationship of contraries²⁶ which, logically speaking, is a different phenomenon.

²⁴ *Supra* 54ff.

²⁵ See *De Inventione* I, 57–76. On the nature of the discussion see Fortenbaugh (1998). On the fact that Cicero intends deduction to be a hypothetical syllogism see Calboli Montefusco (1998, 14–21).

²⁶ *Supra* 25–26.

In light of the above, it can be safely said that *De Inventione*, despite Cicero's early intuitions (Rubinelli 2002b) is still the result of a fundamentally empirical way of thinking about rhetoric. To use an expression coined by Aristotle for characterising teachers of his time,²⁷ the treatise still offers 'pairs of shoes': straightforward indications of specific things to say in specific contexts rather than a theory of argumentation. It is not surprising then, that the 43 paragraphs in book I, devoted to an examination of the ideas just discussed, are followed by 166 paragraphs in book II where Cicero introduces lists of things to say on the issues which can be involved in a case. Below, for instance, is a list of aspects to highlight when pleading the innocence of an accused:

«The counsel for the defence, on the other hand, will have to show first, if he can, that the life of the accused has been upright in the highest degree. He will do this if he can point to some services well known to everyone: for example, how the defendant has treated his parents, his kin by blood or marriage, his friends and connexions; likewise, though this opportunity is rarer and more unusual, if he can say that the defendant has performed some service to the state, his parents or some of those just mentioned, though he was not compelled to do so but acted merely from a sense of duty, and the act was very difficult or dangerous or both; finally, if he can prove that the defendant has never committed any offence and has never been led by passion to fail in his duty.» (*De Inventione* II, 35–36)

In adopting this approach, *De Inventione* still follows the traditional, pre-Aristotelian, way of handling rhetoric.²⁸ And this is further confirmed by the similarity between some of the precepts of *De Inventione* and those written about 250 years earlier (shortly after 340 BC) in *Rhetorica ad Alexandrum*. This last treatise, attributed by some scholars to Anaximenes of Lampsacus, represents an older pre-conceptual tradition than Aristotle's *Rhetoric* (Braet 2004, 129). The similarity is evident, for example, in the following passages where instructions are given on what the prosecutor and the defendant respectively can say to show that the accused is guilty/not guilty of having committed a certain crime:

«When the jury assesses, he must amplify the offences and the errors of his opponents (ἀνάγκη ἐπιδείξαι τὰ κατηγορούμενα, ἔπειτα αὐξητέον ἐστὶ τὰ ἀδικήματα καὶ τὰ τῶν ἐναντίων ἁμαρτήματα), and if possible prove that the defendant committed the offence of his own free will, and not from a merely casual intention, but with a very great amount of preparation (ἐκ προνοίας οὐ τῆς τυχύουσης ἀλλὰ μετὰ παρασκευῆς πλείστης ἠδίκησεν.» (*Rhetorica ad Alexandrum* 1427a 1–5)²⁹

And,

«A defendant must either prove that he did none of the things he is charged with (οὐδὲν τῶν κατηγορουμένων ἔπραξεν) or if he cannot prove this, he must attempt to gain forgiveness by representing his acts as an error or misfortune, and by showing that only small mischief has resulted from them (εἰς ἁμάρτημα ἢ εἰς ἀτύχημα ἄγοντα τὰς πράξεις καὶ μικρὰς βλάβας

²⁷ *Supra* 3–4.

²⁸ Cf. Solmsen (1941) *contra* Leeman (1963, 91–99).

²⁹ Text after Hammer (1894), translation by Rackham (1965).

ἀπ' αὐτῶν γεγενημένας ἀποφαίνοντα συγγνώμης τυχεῖν πειρατέον).» (*Rhetorica ad Alexandrum* 1427a 24–30)

«[...] the prosecutor when he says that something was done on impulse will be under necessity of dilating upon that passion (*illum impetum et quandam commotionem animi affectionemque uerbis et sententiis amplificare debebit*) and, as it were, agitation and state of mind, with the full powers of his thought and expression, and of showing how great is the force of love, what powerful mental agitation arises from anger or from any of the causes by which he claims that the defendant was urged to commit this crime (*ex aliqua causa earum qua impulsus aliquem id fecisse dicet*).» (*De Inventione* II, 19)

And,

«The counsel for the defence, on the contrary, will say, first, that there was no impulse (*impulsionem aut nullam fuisse dicet*), or if he grants that there was, he will make light of it and prove that it was only a weak emotion, and prove that it was not the kind from which deeds of this sort generally arise (*extenuabit et paruulam quandam fuisse demonstrabit aut non ex ea solere huiusmodi facta nasci docebit*).» (*De Inventione* II, 25)

3.3 *Loci and Loci Communes*

In the previous section, aspects of the non-Aristotelian character of Cicero's theory of argumentation have been highlighted. I will now demonstrate that in *De Inventione* Cicero uses the term *locus* in its traditional rhetorical meanings. He does not show any awareness of the specific *loci* developed by Aristotle; the name of Aristotle is never associated with a theory of *loci*. As introduced elsewhere (Rubinelli 2006), the different meanings of *locus* will be explained in their argumentative contexts.

3.3.1 *Locus as 'Topic'*

Leaving aside the places where it means *area* or *position*,³⁰ in *De Inventione* *locus* is first of all used with the general and seemingly non-technical meaning of *topic* or *theme*. For example, before attempting a definition of *inductio* and *ratiocinatio*, Cicero confesses that this is a difficult *locus*, a difficult topic:

«[...] it is the embellishment of the argument once it has been discovered, and the arrangement of it in definite divisions, which make the speech attractive to the audience; this elaboration of the argument is necessary to the highest degree, and yet has been greatly neglected by writers on the art of rhetoric. For that reason it seemed to us necessary to speak about the rules for this and to do so at this point so that the subject of invention of arguments may be combined with the theory of argumentation. This topic must be considered with great care and diligence (*Et magna cum cura et diligentia locus hic omnis considerandus*

³⁰ For example, *De Inventione* I, 38: *Locus consideratur, in quo res gesta sit, ex opportunitate quam uideatur habuisse ad negotium administrandum.*

est) not only because it is extremely useful, but also because there is great difficulty in formulating rules.» (*De Inventione* I, 50)

A passage of Aristotle seems to suggest that this usage was already known in his own time. In the *Rhetoric*, at the end of the section about 'happiness', Aristotle warns readers that he will discuss the topic 'virtue' in his account of praise:

«Virtue (περὶ δὲ ἀρετῆς), since it is a topic most closely connected with forms of praise (ἐπεὶ περὶ οἰκειότατος ὁ περὶ τοὺς ἐπαίνους τόπος), must be left for definition when we give an account of praise.» (*Rhetoric* A 5, 1362a 12–14)

3.3.2 *Locus* as 'Subject-Matter Indicator'

A second meaning of *locus* is in the sense of subject-matter that speakers might take into consideration for pleading their cases. *Locus* is used in *De Inventione* with the meaning of 'subject-matter indicator' already found in the Aristotelian usage of *idia* and in pre-Aristotelian tradition.³¹ This usage of *locus* mainly appears with reference to the *attributes* (I, 34–44) that are explicitly said to be *loci* at the end of their description at I, 44.

«All argumentation drawn from the *loci* which we have mentioned (*quae ex iis locis, quos commemorauimus*).»

The attributes (*adtributa*) represent a catalogue of topics; they are divided, in particular, into attributes of the person involved in the case, or of the facts under discussion which can inspire orators in structuring their arguments: they provide orators with possible topics to be considered when designing arguments.³² The attributes of the person are eleven:

«We hold the following to be the attributes of persons: name (*nomen*), nature (*naturam*), manner of life (*uictum*), fortune (*fortunam*), habit (*habitus*), feeling (*affectionem*), interests (*studia*), purposes (*consilia*), achievements (*facta*), accidents (*casus*), speeches made (*orationes*).» (*De Inventione* I, 34)

As Leff (1983, 27) explains, in the list above provided by Cicero there is no attempt to rationalize the items in a systematic way. As for the attributes of the act, we find a more coherent structure in four parts:

³¹ *Supra* 69ff.

³² On the Hellenistic origin of the classification between the attributes of the person and of the fact see Leff (1983, 28–29) who convincingly shows the connection between certain classes of 'attributes' and the seven circumstances that define the *hypothesis* (a concrete issue, as opposed to an abstract issue called the *thesis*) in the system of Hermagoras of Temnos, namely who?, what?, when?, where?, why? how? and with what resources?.

- 1) Attributes coherent with the action itself (*continentia cum ipso negotio*). They represent things which cannot be separated from the action itself, namely:

«[...] a brief summary of the whole action (*brevis complexio totius negotii*) [...] the reason for this whole matter (*causa eius*), i.e., by what means, and why, and for what purpose the act was done [...] what happened before the event (*ante gestam rem quae facta sint*) [...] what was done in the performance of the act (*in ipso gerundo negotio quid actum sit*), and again what was done afterwards (*quid postea factum sit*).» (*De Inventione* I, 37)

- 2) Attributes connected with the performance of the act (*in gestione negotii*), such as:

«[...] place (*locus*), time (*tempus*), occasion (*occasio*), manner (*modus*), and facilities (*facultas*).» (*De Inventione* I, 38)

- 3) Attributes which are adjuncts of an action (*adiuncta negotio*) which include things which are related or contrasted to the action in question. I shall later examine this category in more detail.
- 4) Consequence (*consecutio*). This class of attributes comprises public reactions to an action, including factors such as:

«[...] what name shall the act be designated (*quo id nomine appellari conueniat*) [...] who are the chief agents (*qui sint principes et inuentores*) [...] have men been in the habit of giving such a case the approval of their authority (*homines id sua auctoritate comprobare an offendere in iis consueuerint*).» (*De Inventione* I, 43)

In *De Inventione* Cicero specifies more closely what aspects of the attributes orators have to examine and include in their arguments in order to plead their cases. For example, in the case of the subject-matter ‘fortune’, one of the attributes of persons, Cicero suggests finding out if the person involved in the case is:

«slave or free (*seruus sit an liber*), rich or poor (*pecuniosus an tenuis*), a private citizen or an official with authority (*priuatus an cum potestate*), and if he is an official, whether he acquired his position justly or unjustly, whether he is successful, famous, or the opposite; what sort of children he has: and if the inquiry is about one no longer alive, weight must be also given to the nature of his death.» (*De Inventione* I, 35)

In dealing with ‘cause’ *causa*, one of the attributes which cannot be separated from the action itself, he describes the possible motives of an action, which the prosecutor and the defence counsel must take into consideration in order to press the accusation or the defence:

«The cause of an act falls under the heads of impulse and premeditation (*in impulsione et in ratiocinationem*). An impulse is what urges a person to do something without thinking about it [...] Premeditation on the other hand is careful and thoughtful reasoning about doing or not doing something [...]» (*De Inventione* II, 17–18)

An interesting example of Cicero's use of the attributes in a real speech is found in *In Catilinam* III, where the author presents a whole series of attributes of persons in order to attack Catilina; in phrase after phrase he stresses the man's evil cleverness:

«He alone was to be feared of all these men (*Ille erat unus timendus ex istis omnibus*), and that, only as long as he was within the walls of the city. He knew everything (*Omnia norat*), he had access to everybody. He had the skill and the audacity to address, to tempt and to tamper with every one (*Erat ei consilium ad facinus aptum, consilio autem neque lingua neque manus deerat*). He had acuteness suited to crime; and neither tongue nor hand ever failed to support that acuteness. Already he had men he could rely on chosen and distributed for the execution of all other business and when he had ordered anything to be done he did not think it was done on that account. There was nothing to which he did not personally attend and see to, for which he did not watch and toil. He was able to endure cold, thirst, and hunger. Unless I had driven this man, so active, so ready, so audacious, so crafty, so vigilant in wickedness, so industrious in criminal exploits, from his plots within the city to the open warfare of the camp (I will express my honest opinion, o citizens), I should not easily have removed from your necks so vast a weight of evil.» (*In Catilinam* III, 16–17)³³

One last aspect of the attributes must be mentioned here, though already sketched by Leff (1983). In Cicero *De Inventione* we find an interest in the subject-matter of arguments. Yet these are only intended as 'topics' which can be addressed while pleading cases. The idea of Aristotle's *idia*, as propositions acting as premises of enthymemes, is totally absent from *De Inventione*. This omission further testifies to the fundamentally non-Aristotelian orientation of the traditional rhetoric encapsulated in *De Inventione*, and its neglect for those theoretical aspects more closely connected to the internal structure and the composition of arguments.

3.3.3 *Locus* as 'Argument Scheme'

Passages of *De Inventione* show that Cicero also uses the term *locus* with the meaning of argument scheme found in Aristotle's *Rhetoric* B 23 and which, as was suggested earlier,³⁴ was probably already known in pre-Aristotelian rhetoric. We have instances where *locus* is used to indicate schemes which apply exclusively to rhetorical settings, similar in kind to those of *Rhetoric* B 23 presented earlier: *loci* are subject-dependent considerations that indicate a certain conclusion about a

³³ Text after Clarke (1909), translation by Macdonald (1976). Other interesting uses of the *attributa* in real speeches are found in Victorinus' commentary of Cicero's *De Inventione*. Thus, for example, in explaining the subject-matter *fortuna* in 218, 23–29 he quotes a passage from Vergil's *Aeneid*. 3, 480: *Hoc fortunae est, ut videamus, non utrum liberos habeat, quod naturae est, sed 'qualis liberos habeat', ut est illud in Vergilio: Vade, ait o felix nati pietate. Non nato felix, sed nati pietate; itaque in eo fortunam inspexit, quippe 'vade, ait o felix' inquit; facit enim fortuna felicem* (text after Halm, 1863).

³⁴ *Supra* 84ff.

given case. Thus, for example, in *De Inventione* I, 101–105 Cicero lists a set of *loci* for arousing hatred against some person:

«The seventh topic (*septimus locus*) is used when we express our indignation (*per quem indignamur*), saying that a foul, cruel, nefarious and tyrannical deed has been done by force and violence of by the influence of riches [...] Under the eighth topic (*octauus locus*) we show that the crime which is under discussion is no ordinary one (*per quem demonstramus non uulgare* [...] *id maleficium de quo agatur*), nor has it been frequently committed even by the boldest of men [...]» (*De Inventione* I, 102–103)

Among the *loci* for gaining good-will, Cicero includes the following *loci* in the typical ‘from’ form:

«Good-will is to be had from four *quarters* (*quattuor ex locis*): from our own person (*ab nostra*), from the person of the opponents (*ab aduersariorum*), from the persons of the jury (*ab iudicum persona*), and from the case itself (*a causa*). We shall win good-will from our own person if we refer to our own acts and services without arrogance (*si de nostris factis et officiis sine arrogantia dicemus*) [...] Good-will is acquired from the person of the opponents if we can bring them into hatred, unpopularity, or contempt (*si eos aut in odium aut in inuidiam aut in contemptionem adducemus*) [...] Good-will will be sought from the persons of the auditors if an account is given of acts which they have performed with courage, wisdom, and mercy, but so as not to show excessive flattery [...] Good-will may come from the circumstances themselves if we praise and exalt our own case (*si nostram causam laudando extollemus*), and depreciate our opponent’s with contemptuous allusions (*aduersariorum causam per contemptionem deprimemus*).» (*De Inventione* I, 22)

In a few occasions *locus* is used in reference to more abstract schemes of arguments that do not relate to a specific subject. In the section about the *constitutio definitiva*, when the issue is about a definition, Cicero recommends the prosecutor to define briefly the word under discussion, and then to relate that definition to the act of the accused. This strategy is said to be a *locus*:

«The first *locus* in the prosecutor’s argument is a brief clear and conventional definition of the word whose meaning is sought (*eius nominis cuius de ui quaeritur brevis et aperta et ex opinione hominum definitio*), as follows: lese-majesty is a lessening of the dignity or high estate or authority of the people or of those to whom the people have given authority [...] Then it will be necessary to show the connexion between the act of the accused and your definition (*ad id quod definieris factum eius qui accusabitur adiungere oportebit*), and on the basis of what you have shown to be the meaning of lese-majesty as far as words are concerned, to demonstrate that your opponent committed lese-majesty (*docere aduersarum maiestatem minuisse*) [...]» (*De Inventione* II, 53)

Here, it must be noted that Cicero presents a *locus* that is similar to the one that Aristotle discusses in both the *Topics* and the *Rhetoric*.³⁵ As will be shown, in *De Oratore* and *Topica* Cicero will explicitly trace this *locus* back to Aristotle. Yet, in

³⁵ The strategy suggests that speakers should define the predicate under investigation and see how it relates to the subject being examined. See *supra* 15.

De Inventione Cicero neither seems to be aware that Aristotle dealt with this kind of strategies, nor emphasises that this kind of *locus* is of any particular importance.

This leads to a significant conclusion. In *De Inventione* Cicero not only seems to ignore Aristotle's work on *topoi*, but generally pays no attention to or indeed recognises the possible strategies of inference certain *loci* imply. To illustrate this let us go back to the list of attributes discussed earlier. Most of the attributes indicate subjects to be used in argumentation. As also noted by Leff (1983, 30), however, the attributes called 'adjuncts of the act' (*adiuncta negotio*) «[imply] principles of comparison and relationship that go beyond material information and enter the domain of inferential connection». The list of these attributes reads as follows:

«By adjunct of an action we mean something that is greater or less than the action in question (*quod maius et quod minus*) or of equal magnitude or similar to it (*quod aeque magnum et quod simile*), also its contrary (*quod contrarium*) and negative (*quod disparatum*), and anything bearing the relation of genus (*genus*) or species (*pars*) or result (*euentus*).» (*De Inventione* I, 41)

The use in argumentation of concepts such as 'contrary' or 'genus' would imply the application of certain inferential rules that, we have seen, Aristotle has codified in the *Topics* and, partly, in the *Rhetoric*. These rules were a major concern of Aristotle's presentation of his *topoi*. In *De Inventione*, however, Cicero limits himself to explaining what the terms genus, species, contrary and so forth mean,³⁶ without explaining, for example, the relationship between genus and species, or between contrary terms.

3.3.4 *Locus as 'Argument'*

Possibly as a metonymic development of the above use, the Latin term *locus* is attested with the meaning of 'argument' in *Rhetorica ad Herennium* I, 4, where the author links this usage with the explanation of what 'proof' and 'refutation' mean:

«Proof is the presentation of our arguments (*nostrorum argumentorum expositio*) [...] Refutation is the destruction of our adversaries' arguments (*contrariorum locorum dissolutio*).»³⁷

There is no evidence of this usage of *locus* in Greek rhetoric.

3.3.5 *Locus as 'Ready-Made Argument' (Locus Communis)*

In *De Inventione* Cicero is interested in analysing at some length another meaning of *locus*, that of *locus communis*. Much has been written on the concept of *locus*

³⁶ See *De Inventione* I, 42.

³⁷ Text after Achard (1989); translation by Caplan (1954).

communis.³⁸ Yet it is important to investigate its specific function further so as to make it clear in what ways it differs from the other uses of *locus* discussed above. Cicero's own definition of the term prepares the ground for the investigation:

«In every case some of the arguments are related only to the case that is being pleaded (*pars argumentorum est adiuncta ei causae solum quae dicitur*), and are so dependent on it that they cannot advantageously be separated from it and transferred to other cases, while others are of a more general nature (*pars autem peruagatio*), and adaptable to all or most cases of the same kind (*aut in omnes eiusdem generis aut in plerasque causas adcommodata*). These arguments which can be transferred to many cases (*Haec ergo argumenta quae transferri in multas causas possunt*), we call common topics (*locos communes nominamus*). A common topic either contains an amplification of an undisputed statement (*certae rei quandam continet amplificationem*) – for example, if one should wish to show that a man who has murdered his father or mother deserves the extreme penalty [...] or of a doubtful statement against which there are also plausible lines of argument (*dubiae quae ex contrario quoque habeat probabiles rationes argumentandi*); for example, it is right to put confidence in suspicions, and on the other hand, it is not right.» (*De Inventione* II, 47–48)

A *locus communis* is a ready-made argument that, as Cicero correctly remarks, may be transferable (*argumenta quae transferri [...] possunt*) to several similar cases. Thus, the adjective *communis* refers precisely to the extensive applicability of this kind of arguments; however, it is not to be equated to the universal applicability of the Aristotelian *topoi* explained in Chapter 1. The latter are 'subjectless', while the former work on a much more specific level: they are effective mainly in juridical, deliberative and epideictic contexts.

As for its function, a *locus communis* does not prove anything specific to the case being examined. It contains an amplification either of a statement whose truth is generally recognised by the majority of people (thus, in the above passage, 'A man who has murdered his father or mother deserves the extreme penalty'), or of a statement that can be argued from different and opposite perspectives (in the above passage, 'It is right to put confidence in suspicions, and it is not right'). In this respect, the *loci communes* do not add any factual information. But they are used to put the audience in a favourable frame of mind by presenting evaluations and interpretations of the facts at issue. Interestingly enough, Cicero himself demonstrates to his readers how to employ the *loci communes* in real speeches, with a focus on when it is most appropriate to say something 'common'. There he also adds that the use of these devices requires long practice:

«A speech, however, is occasionally rendered distinguished and brilliant by introducing the *loci communes* (*Distinguitur autem oratio atque inlustratur*) [...] when the audience is already convinced. In fact that is certainly the moment when it is permissible to say something "common" (*ei tum conceditur commune quidam dicere*), when some passage peculiar to the case has been developed with great care, and the spirit of the audience is being refreshed for what is to come, or is being roused to passion now that the argument has been

³⁸ See especially Lausberg (1960, 224–247), Kennedy (1963, 52–58) and Pernot (1986, 271–274 with further references).

concluded. Moreover, all the ornaments of style, which lend charm and dignity, are lavished on *loci communes*, as well as everything which in the invention of matter or thought contributes to weight and grandeur. Therefore, though these are topics "common" to many cases, they are not common to many orators. For they cannot be treated with elegance and dignity, as their very nature requires, except by those who through long practice have acquired a vast store of words and ideas.» (*De Inventione* II, 49–50)

As far as the origin of these sort of ready-made arguments is concerned, Cicero, in *Brutus* I, 46–47, quoting a passage of Aristotle that no longer survives, traces them back to the Sophists:

«Aristotle says [...] that Protagoras wrote out and furnished discussions of certain large general subjects (*rerum illustrium disputationes*) such as we now call *loci communes*; that Gorgias did the same, writing particularly in praise or in censure of given things (*cum singularum rerum laudes vituperationesque conscripsisset*), since he held that it was the peculiar function of oratory to magnify a thing by praise, or again by disparagement to belittle it.»³⁹

The reference to the Sophists is plausible, for there is evidence that the idea of a *locus communis* was known in Greek rhetoric long before Cicero, although there is no evidence that the terms *topos* or *topos koinos* (the Greek τόπος κοινός) were used to designate it. In dealing with the proofs that exist independently from orators' invention (the non-artistic proofs),⁴⁰ Aristotle presents a series of ready-made arguments that are very similar to some of the *loci communes* discussed by the author of *Rhetorica ad Herennium* in II, 9–10. For example:

«Tortures [...] are a kind of testimony and seem to have credibility because some necessity [...] is involved. It is thus not difficult about them either to see the available [means of persuasion] from which it is possible to provide amplification if they are in favour [of the speaker], [saying] that this form of testimony is the only true one (ὅτι ἀληθεῖς μόναι τῶν μαρτυριῶν εἰσιν αὐταί). But if they are against him and favour his opponent, one could refute them by speaking [first] about the whole concept of torture; for [slaves] do not lie any less when under compulsion (διαλῦοι ἄν τις [τάληθῇ] λέγων καθ' ὅλου τοῦ γένους τῶν βασάνων), neither [those who] harden themselves not to tell the truth nor [those who] lie easily to stop the pain more quickly (οὐδὲν γὰρ ἤττον ἀναγκαζόμενοι τὰ ψευδῆ λέγουσιν [ἢ τάληθῇ], καὶ διακαρτεροῦντες μὴ λέγειν τάληθῇ, καὶ ῥαδίως καταψευδόμενοι ὥς παυσόμενοι θάρσυνον). There is [also] need to cite examples that the judges know, which have [actually] happened.» (*Rhetoric A* 15, 1376b 31–1377a 7)

«The common topics are those which are used now by the defence, and now by the prosecution, depending on the case [...] We shall speak in favour of the testimony given under torture when we show that it was in order to discover the truth that our ancestors wished investigations to make use of torture and the rack (*A quaestionibus dicemus cum demonstrabimus maiores ueri inueniendi causa tormentis et cruciatu uoluisse quaeri et summo dolore homines cogi ut quicquid sciant dicant*), and that men are compelled by violent pain to tell all they know [...] Against testimony (*contra quaestiones*) given under torture we shall speak as follows [...] We then shall say that pain ought not be relied upon, because

³⁹ Text after Douglas (1966), translation by Hendrickson (1962).

⁴⁰ See *supra* 50ff.

one person is less exhausted by pain, or more resourceful in fabrication, than another, and also because it is often possible to know or divine what the presiding justice wishes to hear, the witness knows that when he has said this his pain will be at an end (*dolori credi non oportere, quod alius alio recentior sit in dolore, quod ingeniosior ad eminiscendum, quod denique saepe scire aut suspicari possit quid quaesitor uelit audire; quod cum dixerit, intellegat sibi finem doloris futurum*).» (*Rhetorica ad Herennium* II, 9)

In this passage of the *Rhetoric* Aristotle does not use either the word *topoi* or the expression *topoi koinoi*. Indeed, the combination *locus communis* was not yet fixed in the rhetorical terminology of Cicero's time. Passages of *De Inventione* show in fact that Cicero often refers to *loci communes* by calling them simply *loci*.⁴¹

⁴¹ See *De Inventione* II, 51

Chapter 4

Cicero's List of Aristotelian *Loci*

Introduction

The subject of Chapter 3 was *De Inventione*, where it was shown that Cicero neither shows awareness of the fact that Aristotle dealt with *topoi* nor recognises that those *loci* that are of a more abstract nature are of a special utility. In the current chapter the focus will shift to *De Oratore* and *Topica*, where by contrast Cicero highlights the importance of two lists of *loci* he attributes to Aristotle, and explains them. The two lists are essentially identical, but they appear in different contexts. Having first presented the lists in their contexts (4.1), and underlined the difficulties of interpretation among scholars (4.2), the analysis will then focus on the nature and provenance of the *loci* which Cicero traces back to Aristotle (4.3 and 4.4).

4.1 Framing the Context

4.1.1 *De Oratore*

4.1.1.1 Parallel Perspectives

The list of *loci* that Cicero attributes to Aristotle in *De Oratore* is included in the speech on rhetorical *inventio*¹ delivered by Antonius, Cicero's spokesman in that section of the dialogue.² To understand this list in context, it is important to explain the general orientation of the speech. In particular, what has to be stressed here is that in *De Oratore*, unlike *De Inventione*, Cicero approaches the discussion of a theory of argumentation from a point of view which is very similar to that adopted by Aristotle in his *Rhetoric*.

¹ *Supra* 95.

² See Narducci (1994, 50) and May and Wisse (2001, 14).

Cicero introduces the theory by launching into a fierce polemic against the contemporary empirical way of training students to argue. As he remarks, an art of rhetoric based on the teaching of ready-made arguments is sterile:

«Now the people who make teaching their business, after carving up the cases into several categories, provide us with a great supply of arguments for each individual category (*singulis generibus argumentorum copiam suggerunt*). This procedure may indeed be more suitable for training young men, so that, as soon as a case is put before them, they know where to go, and from where they can fetch readymade arguments immediately (*unde statim expedita possint argumenta depromere*). Nevertheless, it is the slow-witted who follow the rivulets but fail to see the sources (*et tardi ingenii est rivolos consectari, fontis rerum non videre*), while it is fitting for people who have attained our age and experience to derive what we wish from the fountainhead, and to discern the place from which all things flow.» (*De Oratore* 2, 117)³

The above attack clearly echoes the criticism of contemporary teachers expressed by Aristotle in the end of the *Sophistic Elenchi*, as discussed in Chapter 1.⁴

Indeed Cicero in *De Oratore*, by defending the systematic teaching of rhetoric, tries to rediscover the essence, and its fundamental constituents. By again echoing an Aristotelian idea, he claims that an art of rhetoric is based on the recognition of why speeches are persuasive:

«And indeed, most people plead their cases in the forum haphazardly and without any method (*temere ac nulla ratione*), while some do so skilfully thanks to training or a certain amount of experience (*propter exercitationem aut propter consuetudinem aliquam*). So there can be no doubt that, should someone observe the reason why some people speak better than others (*quid sit quare alii melius quam alii dicant*), he could give a description of it. If, therefore, someone does this over the entire field of oratory, he will discover, if not really an art, then at least something like an art (*is si non plane artem, ad quasi artem quandam invenerit*).» (*De oratore* 2, 32–33).

The passage has an undisputed parallel in *Rhetoric* A 1, 1354a 6–11:

«Now among the general public, some do these things randomly (οἱ μὲν εἰκῇ τὰυτὰ δρῶσιν) and others through an ability acquired by habit (οἱ δὲ διὰ συνήθειαν ἀπὸ ἔξεως), but since both ways are possible, it is clear that it would also be possible to do the same by [following] a path; for it is possible to observe the cause (τὴν αἰτίαν θεωρεῖν ἐνδέχεται) why some succeed by habit and others accidentally, and all would at once agree that such observation is the activity of an art (τέχνης ἔργον εἶναι).»⁵

³ Text by Kumaniecki (1969). Translation after May and Wisse (2001).

⁴ *Supra* 1–2.

⁵ The parallel is undisputed because, as Wisse (1989, 113–114) points out: «Of course, observations on the character of rhetoric, and on the question if it is an *ars* [...], were common from at least Plato's time, and the terms used by Antonius, *animadvertere* and *notare* [...] are normal in this connection. But the coupling between chance and experience on the one hand, and the development of *ars* on the other, seems unique. There are, indeed, two closely related schemes that occur frequently: first, various forms of opposition between chance, experience, and "art" or method, are frequently found from the fifth century onwards; second *ars* is often said to come about through

As a result, Cicero explains that the art of speaking relies wholly on three means of persuasion: to be able to prove opinions, to win the audiences' favour, and finally to rouse their feelings according to the motivation which the case requires:

«The method employed in the art of oratory, then, relies entirely upon three means of persuasion: proving that our contentions are true (*ut probemus vera esse ea quae defendimus*), winning over our audience (*ut conciliemus eos nobis, qui audiunt*), and inducing their minds to feel any emotion the case may demand (*ut animos eorum, ad quemcumque causa postulabit motum vocemus*).» (*De Oratore* 2, 115)

Here, the Aristotelian paternity of the *ratio* Cicero intends to discuss is again clear. The description of Cicero echoes Aristotle's artistic proofs (the ἐντεχνον πιστεῖς).⁶ Furthermore, he explicitly links the above doctrine to Aristotle in the passage where he praises the philosopher Critolaus, who was a member of Aristotle's school:

«As for this Critolaus, who, as you mentioned, accompanied Diogenes to Rome, I think he could have been more helpful to this pursuit of ours. For he was from the school of your Aristotle, from whose discoveries, in your opinion, I am not straying very far (*erat enim ab isto Aristotele, a cuius inventis tibi ego videor non longe aberrare*).» (*De Oratore* 2, 160)

Cicero then makes the link between Aristotle and this part of *De Oratore* even more significant by seemingly claiming that he has read Aristotle's *Rhetoric*:

«And between this Aristotle (I have read the book in which he described all of his predecessors' theories of speaking, as well as those in which he gave some views of his own about this same art) (*cuius et illum legi librum, in quo exposuit dicendi artis omnium superiorum et illos, in quibus ipse sua quaedam de eadem arte dixit*) and the specialist teachers of this art, there is, it seemed to me, the following difference: he looked with the same intellectual acumen, by which he had discerned the essential nature of all things, also at what was relevant to the art of speaking [...]» (*De Oratore* 2, 160)

Although it is not my intention here to address systematically whether or not Cicero knew Aristotle's *Rhetoric*,⁷ I shall begin by investigating the closeness of Cicero's discussion in *De Oratore* 2, 114–151, to ideas expressed by Aristotle in that treatise. This will aid the subsequent discussion, where I examine Cicero's account of the *loci* that he recognises as Aristotelian, and will provide some important evidence for my final conclusions in this chapter.

observation of nature or of practice. All the many passages employing these schemes, however, lack the combination found in the passages quoted.»

⁶ Yet it has to be noted that Cicero, differently from Aristotle (*supra* 50ff.), does not call the three means of persuasion explained in *De Oratore* 2, 115 as “artistic proofs”. As will be shown, he inserts the distinction between artistic and non-artistic proofs in the section of *De Oratore* where he discusses the first means, that is where he teaches orators how to prove their opinions. On this issue see Wisse (1989, 129–133 and 144).

⁷ On this see Wisse (1989, 105–163).

4.1.1.2 Focus on Details

The first passage to be considered reads as follows:

«Now, for the purpose of proving, the orator has two kinds of material at his disposal. One consists of the things that are not thought out by the orator (*res quae non excogitantur ab oratore*), but, inherent in the circumstances of the case, are treated methodically by him (*sed in re positae ratione tractantur*), such as documents, testimonies, agreements, evidence extracted by torture, laws, decrees of the Senate, judicial precedents, magistrates' rulings, legal opinions, and whatever else that is not discovered by the orator, but is presented to him by the case and the parties involved. The other kind is that which entirely depends on the reasoning and argumentation of the orator (*quae tota in disputatione et in argumentatione oratoris conlocata est*). So, in dealing with the first type one must think about how to treat the arguments (*de tractandis argumentis*); with the second, about discovering them as well (*in hoc autem etiam de inveniendis cogitandum est*).» (*De Oratore* 2, 116–117)

In this part of *De Oratore* Cicero teaches orators how to prove their own opinions. He explains that orators may have two kinds of material at their disposal. In so doing, he presents a distinction between the «things that are not thought out by the orator» and the «material which entirely depends on the reasoning and argumentation of the orator» which echoes Aristotle's distinction between artistic and non-artistic proofs. In the above passage, Cicero discusses the two kinds of material according to the description found in *Rhetoric* A 1, 1355b 35–39.⁸

As for the former, since they are proofs which exist independently of the orator's invention, Cicero points out that orators have to study constantly what to say in favour or against them:

«As to that first type, which consists of the items presented to the orator, we have to practice them so that they are permanently ready for use (*meditatum nobis in perpetuum*), every time an analogous case comes up. For we often argue both for and against documents, for and against witness, for and against evidence extracted by torture (*pro tabulis et contra tabulas et pro testibus et contra testes et pro quaestionibus et contra quaestiones*), as well as for and against everything else of this sort. Either in the abstract about an entire class, or specifically about individual occasions, people, and cases. Through much training and rehearsal [...] you must have these *loci communes* prepared and ready at hand (*quos quidem locos [...] multa commentatione atque meditatione paratos atque expeditos habere debetis*).» (*De Oratore* 2, 118)

Here Cicero suggests that orators learn the *loci communes* (simply called *loci* in the passage), those ready-made arguments that, as has been discussed in the analysis of *De Inventione*, are useful to put the audience in a favourable frame of mind.⁹ And, as in *De Inventione* II, 50, he stresses that learning the *loci communes* demands no great talent, but vast practice. In stressing the use of *loci communes* for the presentation of the non-technical proofs Cicero recalls Aristotle's treatment of this kind

⁸ *Supra* 50–51.

⁹ *Supra* 106ff.

of proof in *Rhetoric* A15. As has been shown in Chapter 3, Aristotle, alongside the description of the non-artistic proofs, suggests a series of *loci communes* to facilitate their use.¹⁰

As far as the «material which entirely depends on the reasoning and argumentation of the orator» is concerned, Cicero agrees with Aristotle that this must be constructed by orators; and starting from *De Oratore* 2, 130, he instructs them how to do it:

«I will reveal the fountainheads from which every line of argument for every case and for every speech is derived (*aperiamus autem capita ea, unde omnis ad omnem et causam et orationem disputatio ducitur*).»

In considering these instructions, I shall demonstrate that Cicero's account of the content of arguments is similar to Aristotle's treatment of the *idia* in the *Rhetoric*.¹¹

As *De Inventione* testifies, rhetoricians of Cicero's days paid a lot of attention to the description of the *attributes* of the person involved in a case (for example, his name, character, education, interests), and of the facts under consideration (for example, the place where the action occurred, the time).¹² In *De Oratore*, Cicero severely criticises this. As he claims, the analysis of these attributes is not in itself sufficient to construct arguments (*loci* in the following passage):¹³

«We must note the greatest mistake of the teachers to whom we send our children [...] For in their division of speeches into types, they posit two classes of cases, identifying one in which inquiry is made about a general category, without reference to persons and occasions (*in quo sine personis atque temporibus de universo genere quaeratur*); and another that is delimited by specific persons and occasions (*quod personis certis et temporibus definiatur*)¹⁴ – without realizing that all disputes can be related to one about the essential nature of a general category (*ignari omnis controversias ad universi generis vim et naturam referri*). For example [...] neither the person of Opimius nor that of Decius has anything to do with the orator's *loci*, since the question is an abstract one, about the entire category as such; should someone really be punished who, acting on the authority of a decree of the Senate and in order to save out country, has killed a citizen, when such an act was not permitted by law?¹⁵ In short, there is no case in which the issue to be decided is examined in terms of the actual persons of the litigants, and not as a question on general level, about the categories as such (*nulla denique est causa in qua id, quod in iudi-*

¹⁰ *Ibidem*.

¹¹ *Supra* 59ff.

¹² *Supra* 102ff.

¹³ *Supra* 106.

¹⁴ On the Hermagorean origin of these two *genera causarum* see Calboli Montefusco (1986, 33–36).

¹⁵ Lucius Opimius (praetor in 125 BC and consul in 121 BC), by interpreting the *senatusconsultum ultimum* as granting him unlimited power, started legal proceedings against Gaius Gracchus and summarily killed him and many other Roman citizens without trial. When Publius Decius Subulonis prosecuted him for this crime, he was acquitted on the defence of Gaius Papirius Carbo. See Narducci (1994, 377).

cium venit, reorum personis ac non generum ipsorum universa dubitatione quaeratur).»
(*De Oratore* 2, 133–136)

The point Cicero makes here is that to be persuasive, orators have to be able to discuss a specific case in the light of more general assumptions. For example, to prove that X is avaricious, it is important to show that certain characteristics of X meet the characteristics of what people recognise as avarice. This of course implies a general knowledge of what avarice is. Thus, Cicero adds, while orators do not have to focus exclusively on individual circumstances, they must have at their disposal the 'matter' (*materia*) for treating an individual case from a general point of view. This must be organised under all possible 'subject-matters' (*omnibus locis* in the following passage):¹⁶

«(seeing that it is understood that all issues called into question depend not on the innumerable individual persons or unlimited variety of occasions, but on cases of a general kind and on the character of the categories involved (*in generum causis atque naturis omnia sita esse*); and further, that these categories are not only restricted in number, but are even very few): those who are eagerly devoted to oratory should master the material belonging to each of the categories, marked, equipped with, and given distinction by all the loci (*ut eam materiem orationis [...] omnibus locis discriptam, instructam ornatamque comprehenderent*), that is, by subject and ideas (*rebus dico et sentiis*).» (*De Oratore* 2, 145–146).

Cicero's discussion of the subject-matters of arguments reflects an idea explicitly stressed in a passage of Aristotle's *Rhetoric* explored earlier (B22). In explaining how to construct enthymemes, Aristotle says that it is first necessary to find out what belongs to a case, that is the specific information about the persons and the facts involved (basically the *attributa*). Yet he remarks that orators must be able to discuss this information in accordance with the aim of the speeches, and show that something is good, bad, just, unjust, useful or harmful. From this perspective, by explicitly referring back to the precepts underlined in the section about the first *organon* of the *Topics*, and which he himself has applied in the chapters of the *Rhetoric* about the *idia*, Aristotle, in *Rhetoric* B 22, 1396b 3–6, suggests that for each of these subjects orators should make a selection of the possible and most convenient things to say.¹⁷

Having concluded the discussion on the contents of arguments, Cicero, through Catulus,¹⁸ mentions for the first time some *loci* he attributes to Aristotle. These *loci*, defined by Cicero as «the dwelling places of all arguments» (*sedes et quasi domicilia omnium argumentorum*),¹⁹ are characterised as being useful to find arguments on any question discussed by philosophers, and also rhetorical cases:

¹⁶ For the use of *locus* with the meaning of *subject-matter* see *supra* 102–104.

¹⁷ *Supra* 33ff.

¹⁸ Quintus Lutatius Catulus (consul in 102) was a poet and a writer, see May-Wisse (2001, 15).

¹⁹ See *De Oratore* 2, 162.

«But Aristotle, whom I admire most of all, laid out certain *loci* from which all argumentation (*quosdam locos ex quibus omnis argumentatio*) may be found, not just for discussions among philosophers, but also for the kind of speech we use in court cases.» (*De Oratore* 2, 152)²⁰

Two aspects concerning Cicero's description of Aristotle's *loci* must be underlined here. First of all, Cicero emphasises the role of the *loci* as searching formulas, the 'places' where arguments can be found. This idea was not as such codified by Aristotle, but it was perhaps developed by the early Peripatetics (Reinhardt 2003, 183). It covers, however, one aspect of the Aristotelian *topoi*, namely their 'selective function' often introduced by the instruction and by the name of the *topos* in the typical "from" form.²¹ Secondly, Cicero remarks on the wide applicability of the Aristotelian *loci*: that they can be utilized to construct *any* argument concerning, he says, rhetorical and philosophical discussions. This characteristic of the *loci* is very much in line with the Aristotelian perspective on the subject. As we have seen earlier, both in the *Topics* and in *Rhetoric* A 2, 1358a 10ff., Aristotle pays a lot of attention to the fact that his *topoi* have the advantage of being of high applicability.²²

Cicero continues in *De Oratore* by interpreting Aristotle's interest in *loci* as a mark of his intellectual acumen, and contrasts this with the theory of rhetoric taught by the Stoic Diogenes,²³ who completely neglected the *inventio* of arguments:

«[...] of these three most illustrious philosophers who visited Rome [...] note that it was Diogenes who claimed to be teaching an art of reasoning well and of distinguishing between the true and the false, which he called in Greek, dialectic. This art – if it is indeed an art – offers no directions for how truth may be discovered (*nullum est praeceptum quo modo verum invenitur*), but only how it is so or that it is not so [...] This Stoic, therefore, is of no help whatsoever here, since he does not teach me to find what to say (*nihil adiuvat, quoniam quem ad modum inveniam quid dicam non docet*).» (*De Oratore* 2, 157–159)

Through the above framework we arrive at a very crucial passage of *De Oratore*. In *De Oratore* 2, 163–173 we find listed for the first time that set of *loci* which are the main subject of investigation of this Chapter. The list of these *loci* reads as follows:

«For there should be no stumbling blocks for someone who has perceived that everything that can be introduced into a speech, either for proving or refuting, is derived either from the essential nature of the matter at hand (*ex sua sumi vi atque natura*) or taken from outside (*adsumi foris*). From the essence, when there is a question about either the matter as a whole (*cum res quae sit tota quaeratur*), or about part of it (*pars eius*), or the name it should have (*vocabulum*), or anything at all relating to it (*quippiam rem illam quod attingat*); from without (*extrinsecus autem*), when materials are collected that are from outside and are not

²⁰ See also *Orator* 46

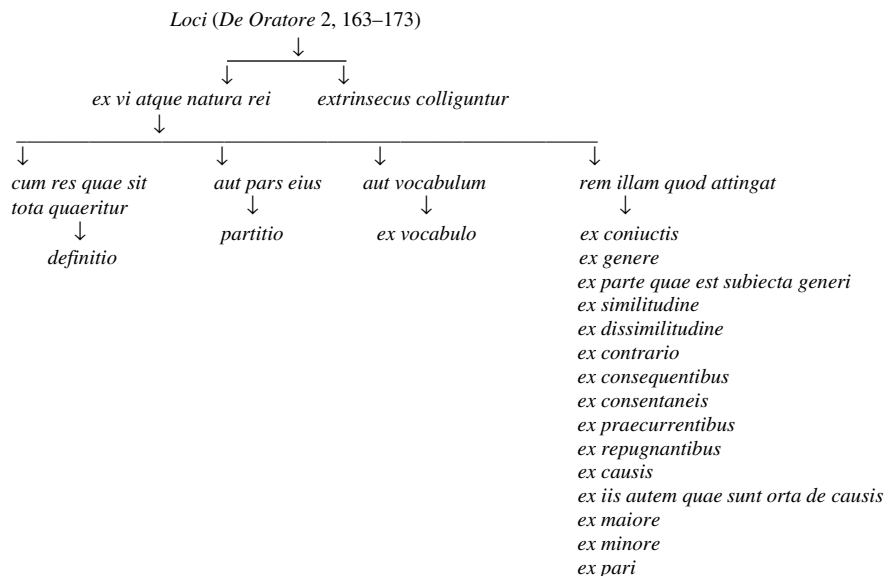
²¹ *Supra* 16–17.

²² See, in particular, *supra* 59ff.

²³ On Diogenes, the pupil of Chrysippus see Narducci (1994, 410 n. 76).

inherent in the nature of the matter. If there is a question about the matter as a whole, its entire nature must be set out by definition (*definitione universa vis explicanda*) [...] but if about a part, then a partition (*partitione*) must be used [...] But if we use an argument based on a name (*ex vocabulo*) [...] But if we start from what relates to the matter, there are a number of 'seats' for arguments (*plures sunt argumentorum sedes ac loci*) [...] we will look for connected terms (*coniuncta*), genus (*genera*), species (*partes generibus subjectas*), similarities (*similitudines*), differences (*dissimilitudines*), opposites (*contraria*), attendant circumstances (*consequentia*), consistencies (*consentanea*), so-called antecedents (*prae-currentia*), and contradictions (*repugnantia*), and we will search for causes (*causas rerum*), and what results from causes (*ea quae ex causis orta sunt*), and look for things that are greater, equal, and lesser (*maiora, paria, minora*).»

Cicero distinguishes between two main classes of *loci*, those that are «from the essential nature of the matter at hand» (*ex vi atque natura rei*) and those «that come from outside» (*qui adsumuntur foris*).²⁴ While the latter are not subdivided further, the former are specified as follows:



Let us now see how Cicero presents the *loci* in the *Topica*.

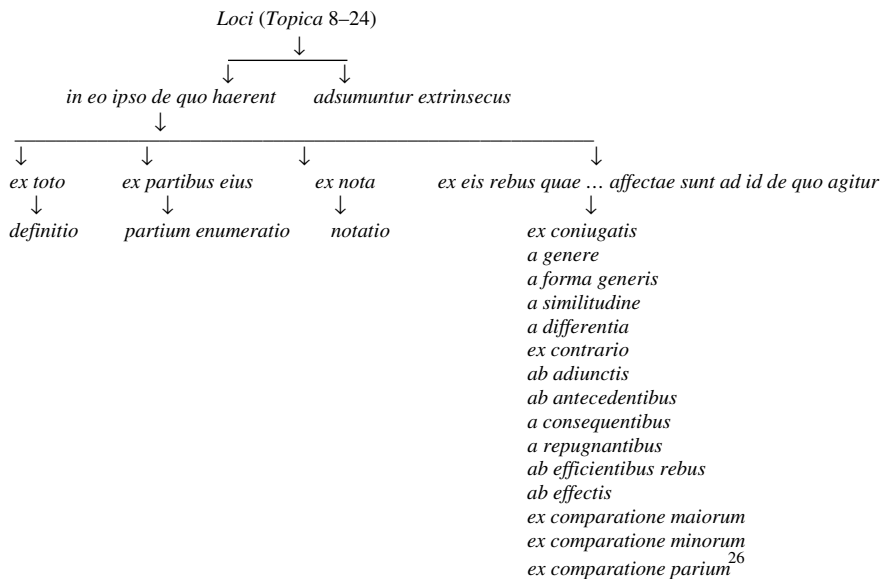
4.1.2 *Topica*

For the sake of clarity, it is worth first introducing the list of *loci* Cicero discusses in the *Topica*. The names of the *loci* that the list contains are as follows:

²⁴ See Orth (1958) 398.

«But of those loci in which the arguments are contained, some are attached to the subject under discussion itself (*alii in eo ipso de quo agitur haerent*), others are drawn from without (*alii adsumuntur extrinsecus*). Attached to the subject under discussion are arguments drawn from the whole (*ex toto*), from its parts (*ex partibus eius*), from etymology (*ex nota*), and from those things which are somehow related to the subject at issue (*ex iis rebus quae quodam modo affectae sunt ad id de quo quaeritur*). Arguments drawn from outside are those which stand apart and are clearly dissociated (*Extrinsecus autem ea ducuntur quae absunt longeque disiuncta sunt*) [...] Arguments are also derived from those things which are somehow related to the subject at issue. But this type has many subdivisions. For some arguments we call ‘conjugate’ (*coniugata*), some ‘from the genus’ (*ex genere*), some ‘from the species’ (*ex forma*), some ‘from similarity’ (*ex similitudine*), some ‘from the difference’ (*ex differentia*), some ‘from the opposite’ (*ex contrario*), some ‘from those things which are concomitant of a certain state of affairs’ (*ex coniunctis*), some ‘from antecedents’ (*ex antecedentibus*), some ‘from consequents’ (*ex consequentibus*), some ‘from incompatibles’ (*ex repugnantibus*), some ‘from causes’ (*ex causis*), some ‘from effects’ (*ex effectis*), some ‘from comparison with things more, equally, or less significant’ (*ex comparatione maiorum aut parium aut minorum*).» (*Topica* 8–11)²⁵

In parallel with the main classification of the *loci in ex sua vi atque natura rei* and those *qui adsumuntur foris* found in *De Oratore*, in the *Topica* Cicero distinguishes between the *loci* attached to the subject under discussion itself and *loci* that are drawn from without. The former are represented by the following:



²⁵ Text after and translation by Reinhardt (2003).

²⁶ The same subdivision also occurs in the *Partitiones Oratoriae* 7. The *loci* presented in the *Partitiones Oratoriae* 7 show a strong similarity to those focus in *De Oratore* and *Topica*. The two *loci* which are here missing, that is the *notatio* and the *locus ex consequentibus*, are considered in the section about *definitio* in *Partitiones Oratoriae* 41. On this see Bayer and Bayer (1994, 159). On the different order of the *loci* in the *Partitiones* and *De Oratore/Topica* see Wisse (1989, 139 n. 131).

An analysis of the above tables shows that the list of *loci* of the *Topica* only differs from the list of *De Oratore* in the terminology adopted. In particular, the terminology of the *Topica* is more refined than that of *De Oratore*. In addition to some minor differences,²⁷ the general term *pars* in the *locus ex parte* of *De Oratore* is substituted in the *Topica* by the term *forma*,²⁸ which as Cicero notes, indicates more appropriately the classes into which a genus is divided. In the *Topica*, *pars* is used more often in reference to the constitutive parts of a whole. The following passage, where this terminological discussion occurs, gives an interesting glimpse into Cicero's attempt to create a vocabulary for the expression of philosophical terms that, in his own time, was still missing:²⁹

«In a partition there are, as it were, limbs (*in partitione quasi membra sunt*), like the head of a body, the shoulders, the hands, the sides, the lower legs, the feet and so on; in a division there are species (*formae*) which the Greek call *eidē*, while our writers, if any of them happens to talk about this matter at all, call them species, which is not bad, but awkward for inflection when you speak. I would rather not, even if it were possible in Latin, say *specierum* and *speciebus*, and there is often reason to use these cases; but I should like to say *formis* and *formarum*.» (*Topica* 30–31)

Again, the general term *vocabulum* in the *locus ex vocabulo* of *De Oratore* is substituted in the *Topica* by *notatio*.³⁰ *Notatio* is the term chosen by Cicero to render the Greek concept of etymology:

«Many arguments are also derived from denotation (*ex notatione*). This is when an argument is elicited from the meaning of a word. The Greeks call this etymology, that is in word-for-word translation *veriloquium* (saying of truth). But I shrink from the novelty of a word which is not particularly suitable and prefer to call this type denotation (*genus hoc notationem appellamus*), because words denote things (*sunt verba rerum notae*).» (*Topica* 35)³¹

Finally, the periphrasis *eae orta sint de causis* in the *locus ex iis quae orta sunt de causis* of *De Oratore* is replaced by the term *effecti* in the *Topica*, which yields better sense.³²

²⁷ See *coniugata* in *Topica* 11 instead of *coniuncta* of *De Oratore* 2, 166, *adiuncta* in *Topica* instead of *consequentia* of *De Oratore*, *consequentia* instead of *consentanea* and *antecedentibus* instead of *praecurrentibus*.

²⁸ See *De Oratore* 2, 168 and *Topica* 14.

²⁹ In *Topica* 10 Cicero uses the term *pars* for species.

³⁰ See *De Oratore* 2, 165 and *Topica* 10.

³¹ In *Topica* 8 Cicero also substitutes the term *vocabulum* of *De Oratore* 2, 163 with *nota*, which indicates the mark or characteristic of a thing.

³² See *De Oratore* 2, 117 and *Topica* 23. While in fact the expression *locus ex iis quae orta sunt de causis* is meaningless (for *everything* could be considered as originating from a cause), the expression *locus ex effectis*, as will be shown, suggests that speakers should look at the effect of a certain cause.

On the face of it, therefore, the list of the *Topica* coincides in all essentials with that of *De Oratore*. As in *De Oratore*, the *loci* of the *Topica* are traced back to an *ars inveniendi*, which according to Cicero has been pioneered by Aristotle, but neglected by the Stoics. And as in *De oratore* the *loci* are said to be the ‘location from which we draw arguments’ generally (*sedes argumentorum*):

«All methodical treatment of rational discourse involves two skills, invention and judgement (*omnis ratio diligens disserendi duas habeat artes, unam inveniendi alteram iudicandi*); Aristotle came first in both, it seems to me. The Stoics on the other hand concerned themselves with one of the two skills only; that is, they pursued ways of judging (arguments) diligently by means of that science which they call dialectic. The skill of invention, however, which is called *Topice* and which was both of more immediate practical use and certainly prior in the order of nature, they completely neglected [...] Just as it is easy to find hidden things, once their hiding-place has been pointed out and marked down (*notato loco facilis inventio est*), so we need to know the right ‘places’ if we wish to track down a certain argument (*vae quasi sedes, e quibus argumenta promuntur*); ‘places’ is the name Aristotle gave those locations, so to speak, from which we can draw arguments. Therefore we may define a place as the location of an argument (*locum esse argumenti sedem*) [...]» (*Topica* 6–8)³³

However, the difference between the list of *De Oratore* and that of the *Topica* is the context in which the list itself is presented. In *De Oratore*, as was discussed earlier, Cicero inserts the discussion of the *loci* into a framework that echoes ideas expressed by Aristotle in the *Rhetoric*. Moreover, he even claims to have read the *Rhetoric*. In the *Topica*, despite a section where Cicero discusses what *loci* are better suited to each specific kind of inquiry³⁴ and refers to some Aristotelian ideas about rhetoric, there is no explicit mention of Aristotle’s *Rhetoric*. However, Cicero begins the treatise by declaring that he has *Aristotelis Topica quaedam* – Reinhardt translates as «something called the ‘Topics’ of Aristotle» – in his library in Tusculum. His friend Trebatius – a famous jurisconsult³⁵ – has found this book of Aristotle in Cicero’s library:

«I had undertaken to write a work on a larger subject, my dear Trebatius [...] when your desire recalled me in mid-course. For when you were with me at my Tusculan villa and each of us unrolled in the library books [...] you happened upon something called the ‘Topics’ of Aristotle, set out in several books (*incidisti in Aristotelis Topica quaedam, quae sunt ab illo pluribus libris explicata*). Prompted by this title, you at once asked me what these books were about; when I had explained it to you, that they contained a theory invented by Aristotle of how one might discover arguments methodically and without fear of error (*disciplinam inveniendorum argumentorum, ut sine ullo errore ad ea ratione et via perveniremus*), you

³³ As correctly suggested by Reinhardt (2003, 194), the distinction between *invenire* and *iudicare* appears to reflect post-Aristotelian views on argumentation.

³⁴ The section occurs in *Topica* 87–96. In *Topica* 91 Cicero echoes Aristotle’s distinction of the *tria genera causarum* and of their ends: *Tria sunt igitur genera causarum: iudici, deliberationis, laudationis, quarum fines ipsi declarant quibus utendum locis sit. Nam iudici finis est ius, ex quo etiam nomen [...] Deliberandi finis utilitas, cuius eae partes quae modo expositae rerum expetendarum. Laudationis finis honestas [...]*.

³⁵ See De Francisci (1944, 233–244) and Hubbell (1976, 378).

pleaded – with your usual tact [...] that I might pass it on to you. But when I had encouraged you [...] either to read them for yourself or to receive full instruction on this from a certain very learned teacher of rhetoric, you tried both, as you told me. But you were put off the books by their obscurity (*sed a libris te obscuritas reiecit*); and the eminent rhetorician replied, I believe, that he did not know this Aristotelian material (*haec [...] Aristotelia se ignorare respondit*) [...]» (*Topica* 1–3)

Cicero decided to fulfil Trebatius' request while sailing from Velia to Rhegium in July 44 BC.³⁶ By his own admission, since he had no books with him, he wrote what he could remember of the Aristotelian methodology:

«when I came to Velia and saw your estate and your family, I was again reminded of my debt. So I have written this up from memory while at sea (*memoria repetita in ipsa navigatione conscripti*), for I had no books with me in the midst of my travels [...]» (*Topica* 5)

There has been a good deal of conjecture over Cicero's claims. Scholars have speculated about different readings of the expression *haec, ut opinor, Aristotelia* and the term *traderem* in *Topica* 3.³⁷ Again, a lot has been said about the fact that Cicero was writing from memory.³⁸ I shall postpone consideration of these issues to the conclusion of the chapter, since, as I shall argue, only an analysis of what exactly the *loci* that Cicero attributes to Aristotle are can help us understand Cicero's claims. For now it is more important to note the fact that Cicero wrote the *Topica* for Trebatius, who, as I said earlier, was a jurisconsult. This points to another crucial difference between Cicero's treatment of *loci* in *De Oratore* and *Topica*. While in *De Oratore* the author illustrates the functioning of *loci* by means of examples belonging to different contexts, in the *Topica* the examples are all from Roman law.

Cicero was induced to write his *Topica* by Trebatius' explicit request. However I am inclined to think that the composition of the *Topica* demonstrates Cicero's recognition of the importance of such a method for legal discourse. We know from Cicero's own speeches that, although the jurisconsults were experts in law, they normally did not have rhetorical training (Powell and Paterson 2004, 17). In this context the method of *loci* would have had the advantages of helping speakers structure their legal responsa more clearly, alongside enabling them to make a more effective use of legal material.³⁹

Here I shall give two examples to illustrate my point. In the first, Cicero presents the following *locus* 'from etymology':

«The etymology; this is when an argument is drawn from the meaning of a word in this way: since the law decrees that only an *assiduus* should stand in for an *assiduus*, it decrees that only a wealthy man should stand surely for a wealthy man (for the *assiduus*, as L. Aelius says, is so called from the paying of money.» (*Topica* 10)

³⁶ See *Ad familiares* 7, 19.

³⁷ Grube (1965, 172–173).

³⁸ Huby (1989).

³⁹ On this see also Reinhardt (2003, 66–68).

In this example, Cicero uses etymology to draw an analogy between *assiduus* and *locuples* ('wealthy man'), and ultimately to conclude that a *vindex*, a guarantor for the defendant's appearance,⁴⁰ must be a rich man. To do so, Cicero quotes an etymology of *assiduus* recognised by Sextus Aelius Paetus Catus, a jurist who wrote a commentary on the XII Tables.⁴¹ In Cicero's time the meaning of *assiduus* was no longer associated with material wealth any longer. Thus, as Reinhardt explains (2003, 209):

«Reversing L. Aelius' thought-process, Cicero elicits from the 'true' etymological meaning of *assiduus* ('giving money') the sense, obsolete in his own day, that it bears in the law [...]: properly interpreted, the statute lays down that only a *locuples* may stand in for a *locuples* [...] As it stands, the argument could well have found the approval of a Roman jurist.»

In the second example, Cicero applies the *locus* from similarity:

«From similarity an argument is derived as follows: if a house whose usufruct has been bequeathed collapsed or sustains damage, the heir needs not rebuild or repair it, no more than to replace a slave if one of whom the usufruct had been bequeathed had died.» (*Topica* 15)

Cicero applies analogy in a strict sense to conclude that the person who has received the usufruct (that is, 'the right of using and taking the fruits of property belonging to another, *salva rerum substantia*')⁴² of a house that has then collapsed, does not have to restore it. We know that in Cicero's time there was no law concerning the usufruct of all kinds of perishable things.⁴³ There was only a law for the usufruct of slaves, stating that in the case of a slave's death the heir was not bound to replace him. The cases utilized for the analogy, namely a house collapsed/damaged and a slave death, are comparable in that, in Roman society, they both refer to goods granted in usufruct by legacy. The passage shows how the *locus* from analogy can be utilized to *extend* the value of the existing law so as to cover cases that were not specifically contemplated by it.

Generally speaking, it looks as if Cicero in the *Topica* has thought about *loci* as a powerful way to formalise and enhance patterns of arguments that were normally used in an intuitive way in legal practice. Arguments by Republican jurists show that certain *loci* indicate patterns already used (Reinhardt 2003).

⁴⁰ As Jolowicz (1961, 180) remarks: «The exact position of the *vindex* [...] is uncertain. Some authorities regard him as a substitute who took over the whole liability of the defendant, i.e. become the actual party to the action, but the general view is that he was a mere guarantor for the defendant's appearance».

⁴¹ As Hubbell (1976, 388 note b) points out: «The etymology is wrong, but was the one commonly accepted at the time; *assidui* (tax-payers or freeholders) were contrasted in early times with *proletarii*». See also Maltby (1991, 59).

⁴² Jolowicz (1961, 282).

⁴³ As Buckland (1963, 271) notes, this appeared in the early empire.

4.2 A Puzzling Framework

Having explained the context, I shall now explore the nature of the list of *loci* discussed by Cicero. A cursory glance at Cicero's lists shows that, on the face of it, Cicero's *loci* are a direct account of neither Aristotle's *topoi* in the *Topics* nor of those in the *Rhetoric*. While Aristotle in the *Topics* mentions around 300 *topoi*, Cicero lists only 19 *loci*. Again, while the names of some of the *loci* found in Cicero's *Topica* have a parallel in Aristotle's *Topics*,⁴⁴ Cicero illustrates a few other *loci* whose names do not appear at all in Aristotle's *Topics*.⁴⁵ The results of a terminological comparison between Cicero's *loci* and the *topoi* that Aristotle introduces in *Rhetoric* B 23 are similar. Some of the *topoi* of *Rhetoric* B 23 have a parallel in Cicero's list.⁴⁶ Yet *Rhetoric* B 23 contains 29 *topoi*, and many of them do not appear in Cicero's works.⁴⁷ Finally, it is noteworthy that the names of a few *loci* that Cicero describes occur in neither Aristotle's *Topics* nor in his *Rhetoric*.⁴⁸

Despite scholars' interest in this subject, the existing studies do not really help clarify either the relationship between Aristotle's *topoi* and Cicero's *loci*, or the provenance of Cicero's *loci*. In the following section, I present a brief summary of the main arguments found in the secondary literature.

As Kaimio (1967, 21) notes, Cicero's description of *loci* may have derived from:

«(a) the *Topics* of Aristotle which we know today, (b) the *Rhetoric* of Aristotle, (c) an unknown work with the title *Topics* by Aristotle, or (d) a pseudepigraphon, by which I mean a work under Aristotle's name but not by Aristotle.»⁴⁹

Kaimio (1967, 24) opts for the last possibility, a solution that is almost unanimously accepted by the critics. The current idea is that behind Cicero's list of *loci* there is a late Hellenistic source containing echoes of Academic, Peripatetic and Stoic material.⁵⁰

⁴⁴ See, for example, Cicero's *locus ex contrario* (*De Oratore* 2, 169–170 and *Topica* 17) and Aristotle's *topos* from contraries (*Topics* B 8, 113b 27–114a 26).

⁴⁵ See, for example, Cicero's *locus ex consequentibus/adiunctis* (*De Oratore* 2, 170 and *Topica* 18).

⁴⁶ See, for example, Aristotle's τόπος ἀπὸ τοῦ αἰτίου (*Rhetoric* B 23, 1400a 29–35) and Cicero's *locus ex causis* (*De Oratore* 2, 171 and *Topica* 11).

⁴⁷ See, for example, the *topos* that Aristotle explains at *Rhetoric* B 23, 1400b 8–16.

⁴⁸ See, for example, Cicero's *locus ex dissimilitudine/differentia* (*De Oratore* 2, 169 and *Topica* 16).

⁴⁹ Kaimio (1967, 21).

⁵⁰ See esp. Hubbell (1976, 378), Stump (1988, 8), Huby (1989), Long (1995, 52–58), Michel (1960, 221) who also thinks that the predominant character of Cicero's *loci* is Academic, Thionville (1855, 101) and Fortenbaugh (1989, 44) who consider the general orientation of the list as Stoic. In this perspective it is emblematic the way Baldassarri (1985, 15) comments Cicero's *Topica*: «Non sono un'opera originale ma [...] una presentazione, personale nello stile e nell'esemplificazione, di materia concettuale ellenistica, d'ispirazione stoica, che intendeva ridare sinteticamente i Τοπικά di Aristotele arricchiti dalle esperienze logiche recenti nella convinzione di una sostanziale coincidenza delle dottrine dogmatiche aristoteliche e che veniva vista da Cicerone come appunto coincidente nel fondo con i Τοπικά di Aristotele».

For Wallies, Antiochus of Ascalon has compiled this source.⁵¹ Hammer traces it back to the Stoic Diodotus,⁵² and for Michel (1960, 221) the source has been inspired by the Academic Carneades. Long (1995, 55) and Reinhardt (2003) see the influence of Philo of Larissa, and Ebbesen (1981, 111) of Andronicus of Rhodes. However, since there is no evidence that any of these ancient philosophers had ever worked on *topoi*, these claims are all purely hypothetical, offering no help in understanding Cicero's *loci*. Attempts to clarify the relationship between Aristotle's *topoi* and Cicero's *loci* have likewise produced disparate interpretations. Riposati (1947) claims, with no real evidence,⁵³ that Cicero had Aristotle's *Topics*, and made a selection of his *topoi* in order to render the essence of the treatise.⁵⁴ Barnes (1999, 56) states, but without analysing Cicero's *loci*, that they are «utterly removed from anything which can ever have been in any Aristotelian work». Wallies (1878) and Thielscher (1908) recognise that Cicero's *loci* had a link with the *topoi* in Aristotle's *Rhetoric* B 23. Also for Reinhardt (2003, 28–29), the list is related to the rhetorical tradition of *topoi*. The nature of this link has been considered by MacKendrick (1989, 223–231), but not very successfully: he in fact ends his analysis by simply saying that Cicero drew from a «somewhat confused» recollection of the *topoi* found in Aristotle's *Rhetoric* B 23.

Scholarship on Cicero's *loci* seems to have reached a stalemate. As a matter of fact, Huby (1989, 72), in one of the last works to be written on the subject, pessimistically concludes that:

«[...] we have to use great caution in using Cicero as evidence for his sources, both because he seems to have put them together freely, and because the sources themselves may have been of a kind and for a purpose that we find difficult to comprehend.»

In answer to this rather discouraging framework, the following sections intend to show that the exact relationship between Aristotle's *topoi* and Cicero's *loci* – and ultimately the exact provenance of Cicero's *loci* – can be established. This conclusion, however, has to be reached by means of an approach that differs from that found in the above-mentioned studies. The problem is that Cicero's *loci* have in most cases been analysed without a proper prior explanation or recognition of how Aristotle uses the term *topos*, as has been done in my previous chapters. Aristotle's texts have often been left in the background, while similarities and differences between Aristotle and Cicero have for the most part been found on the

⁵¹ Wallies quoted by Riposati (1947, 298).

⁵² Hammer quoted by Hubbell (1976, 378).

⁵³ In his study, Riposati does not analyse how the *topoi* presented by Aristotle and Cicero function and this prevents him from understanding and showing the differences and similarities between the two authors.

⁵⁴ Riposati (1947, 294): «Cicerone non promette [...] una traduzione letterale dei τοπικά: non era nelle intenzioni di un giureconsulto addentrarsi nella vasta e sottile trama della trattazione aristotelica [...] Il che spiega il metodo del comporre ciceroniano: lo spirito della *Topica* aristotelica, dell'*ars inveniendorum argumentorum*, è lì; Cicerone l'aveva letta [...] ne ricordava il contenuto, forse la stessa linea strutturale, certamente l'ossatura generale, le parti essenziali».

basis of external factors. The focus has often been on the names of the *topoi* found respectively in Aristotle and Cicero, rather than on how the *topoi* work and are used by the two authors. As a consequence, the existing analyses of Cicero's *loci* are too general to be of much use.⁵⁵ Reinhardt's recent commentary on Cicero's *Topica* represents what I have elsewhere (Rubinelli 2005) described as the most thorough and intellectually challenging exploration of the work. Yet in his introduction Reinhardt explores the context of Cicero's *Topica* primarily by considering the post-Aristotelian tradition, and he presents a short history of *topoi* where, however, the main section is devoted to the rhetorical tradition after Cicero and the Anonymous Seguerianus. The analysis of Aristotle's work on *topoi* is condensed in a rather sketchy way into fewer than five pages (Reinhardt 2003, 18–35). As such, it does not help the reader to appreciate the nature of the methodology pioneered by Aristotle, and its possible use or development in the work of Cicero. Again, in commenting on Cicero's *loci* individually, Reinhardt often neglects to point out relationships with the work of Aristotle: these, however, are highly significant for a grasp of the essence of the *Topica*.

In what follows, selected passages where Cicero applies his *loci* will constitute the starting point for understanding the nature of the *loci* themselves, and they will be juxtaposed throughout with that of Aristotle.

4.3 Analysis of the *Loci*

4.3.1 Generalities

Before analysing Cicero's Aristotelian *loci* in detail some general elements concerning the way Cicero presents the *loci* must be highlighted. As mentioned earlier, the *loci* are subdivided into two main groups: those that are generally said to be inherent in the nature of the subject under discussion and those that are brought in from outside. The first category refers to those *loci* which inhere to one of the terms in question as, for example, the *locus* from etymology which suggests speakers to draw an inference by looking at the meaning of a term.⁵⁶

The other category generically refers to arguments from authority:

«But arguments which are taken up from outside the issue are primarily derived from authority (*maxime ex auctoritate ducuntur*).» (*Topica* 24)

Thus, for example, the following argument where a certain position is supported by quoting the opinion of the Roman general and consul Q. Lutatius Catulus:

⁵⁵ See Thielscher (1908, 61–66), Riposati (1947, 53–159), Leeman-Pinkster-Rabbie (1989, 105–114), MacKendrick (1989, 223 and 225–226) and Bayer (1993, 113–164).

⁵⁶ See *Topica* 10. *Supra* 122–123.

«This is true, for Quintus Lutatius Catulus said so (*dixit enim Q. Lutatius*).» (*De Oratore* 2, 173)

These *loci* are unrelated to the specifics of the proposition under investigation. They are what the Greeks call non-artistic proofs:

«But arguments which are taken up from outside the issue are primarily derived from authority. Therefore the Greeks call such arguments *non-artistic* (*Graeci tales argumentationes ἀτέχνην vocant*), i.e. not involving the use of the art of rhetoric [...]» (*Topica* 24)

The adjective *non-artistic* is used by Aristotle in the *Rhetoric*. Yet Cicero's subdivision of *loci* is not Aristotelian. In the *Rhetoric* Aristotle, while he distinguishes between artistic and non-artistic proofs,⁵⁷ never speaks of *artistic* and *non-artistic topoi*. Only in *Rhetoric* B 23, he speaks of a *topos* from authority that, like Cicero's *loci extrinsecus*, generically refers to the arguments from authority.⁵⁸ In this context, however, Aristotle does not differentiate this *topos* from the others as Cicero does.

Cicero then continues his discussion by dividing the *loci* that are inherent in the nature of the subject under discussion into four heads:

«Attached to the subject under discussion are arguments drawn from the whole (*ex toto*), from its parts (*ex partibus*), from etymology (*ex nota*), and from those things which are somehow related to the subject at issue (*ex iis rebus quae quodam modo affectae sunt ad id de quo quaeritur*).» (*Topica* 8)⁵⁹

In the course of the explanation he specifies what *loci* have to be used in connection with each head. Speakers may investigate the matter at hand as a whole and construct arguments by using a definition; they may investigate its parts and construct arguments by enumerating the parts themselves; they may argue by focusing on its name by means of etymology; and finally, they may investigate things which are closely connected with the subject and draw arguments from the series of *loci* presented earlier.

The meaning of Cicero's fourfold partition has to be clarified. For Riposati the partition corresponds to Aristotle's division of the four logical predicates. As he argues (1947, 49–50):

«Io credo che neppur questa volta convien discostarsi troppo da Aristotele; non dall'Aristotele delle *Categorie*, s'intende, ma da quello della *Topica*. Qui infatti egli scrive: λεκτέον δὲ τὶ ὅρος, τὶ ἴδιον, τὶ γένος, τὶ συμβεβηκός [...] La ripartizione torna perfettamente quanto al numero, e, nel fondo generale, anche quanto alla terminologia e al contenuto.»

Riposati's idea cannot be sustained. Although the number of Cicero's heads corresponds to that of Aristotle's logical predicates and the term *totum* and *nota*

⁵⁷ *Supra* 52.

⁵⁸ See *Rhetoric* B 23, 1398b 19–1399a 6.

⁵⁹ Similarly also *De Oratore* 2, 163.

could be intended as an echo of Aristotle's terms *definition* (ὁρος) and *property* (ἴδιον), Cicero's heads called *parts* (*partes*) and *things related* (*res adfectae*) bear no resemblance to Aristotle's concepts of *genus* (γένος) and *accident* (συμβεβηκός). Cicero's *parts* refer either to the species of a genus or the parts of a whole while the expression *things related* refers to a group of things which includes the *genus*.

Nor does Cicero seem to be aware in either *De Oratore* or the *Topica* of the nature or the function of Aristotle's four *predicables*. From the way Cicero treats the *loci*, it does not appear that he was aware of the fact that Aristotle's *topoi*, as presented in the *Topics*, focus on the subject–predicate structure of propositions. In this light, Cicero's fourfold partition seems to be useful only for ordering his own presentation of the *loci* and, as such, fundamentally differs from Aristotle's four logical predicates. As shown earlier, the concepts of *accident*, *genus*, *property* and *definition* constituted the starting point for the development of the *topoi* themselves,⁶⁰ and are what really make the nearly 300 *topoi* of the *Topics* a proper theory of argumentation. Moreover, the recognition of the predicables involved in the proposition under investigation is what leads speakers to select the appropriate category of *topoi* for their argumentative interventions.⁶¹ Cicero's four heads do not have any of these theoretical implications for his *loci*.⁶² Thus, after having introduced the fourfold partition in the beginning of the treatise, Cicero does not dwell upon it or discuss it in more detail.

According to Wallies (1878), Cicero's four heads show echoes of Stoic doctrine, but I agree with Reinhardt (2003, 196) that there is really no reason «why Stoic categories could be used for classifying *loci*». Given the lack of evidence for the direct influence from prior theorists, I am inclined to think that the categorisation of *loci* under these four heads was made inductively, by reasoning about the *loci* themselves, in order to present them more systematically.

Moving on to the way Cicero presents each *locus*, it can be generally noted that in most cases he only gives what in the Aristotelian context I have called the 'name' of the *locus*, that is a formula in the typical 'from' (in Latin *ex* or *a/ab*) form that points to the main concept at the basis of the inferential process with which the *locus* works.⁶³ Cicero, for example, introduces a *locus* by saying 'from the genus' (*a genere*) when speakers have to draw an inference by looking at the genus of something, or 'from resemblance' (*a similitudine*) when the strategy suggests constructing an argument by looking at similarities between things.⁶⁴ Only in two cases does he make explicit what in my analysis of Aristotle's *topoi* appears as the 'law', that is the principle which provides the inferential strength.⁶⁵ First, he

⁶⁰ *Supra* 8ff.

⁶¹ *Ibidem*.

⁶² See also Klein (1844, 33), quoted from Riposati (1947, 51).

⁶³ *Supra* 16–18.

⁶⁴ See *Topica* 15.

⁶⁵ *Supra* 14ff.

explains the *locus* from the genus in *Topica* 13 and clarifies the law on which it is based, namely:

«[...] for the species is never dissociated from the genus as long as it retains its name (*forma enim a genere [...] numquam seiungitur*).»

In the same way he discusses the *locus* from comparison in *Topica* 23 by highlighting three laws:

«What holds in a wider sphere, should hold in a more restricted one (*quod in re maiore valet valeat in minore*) [...] What holds in the more restricted sphere, should hold in the wider one (*Quod in minore valet, valeat in maiore*) [...] What holds in the equivalent sphere, should hold as well in this case, which is equivalent (*Quod in re pari vale, valeat in hac quae par est*) [...].»

After mentioning the name of the *loci*, Cicero illustrates each of them by means of one or two examples.

The fact that Cicero generally does not introduce the law leads to an important consideration. Both in *De Oratore* and *Topica*, Cicero's presentation of the *loci* is closer to that of Aristotle's in *Rhetoric* B 23 than it is to that of Aristotle in the *Topics*. Indeed, while in the *Topics* Aristotle concentrates on explicating what in Chapter 1 I called the 'instruction' and the 'law' of a *topos*, in *Rhetoric* B 23 most of the *topoi* are presented simply by their names and some examples, as Cicero does in his work.⁶⁶ But in this respect Cicero here (unlike in *De Inventione*) recognises as Aristotelian certain *loci* that can be used to construct arguments on any subject, and treats them in a way which is in line with that of Aristotle in *Rhetoric* B 23. As I will discuss in the conclusion to the chapter, this is one key piece of evidence for Cicero's source.

In the following sections I shall examine some of the *loci* that Cicero illustrates in *De Oratore* and the *Topica* in light of the theoretical analysis of *topoi* developed in previous chapters. Reinhardt (2003) provides an invaluable and detailed commentary on each individual *locus*: my work will complement this by concentrating on certain aspects of the *loci* that have not received a proper examination in the existing secondary literature. In particular, I will classify Cicero's *loci* according to their antecedents in Aristotle's *Topics* and the *Rhetoric*, as will be shown: (1) some of them have an Aristotelian ancestor in both works; (2) others have an Aristotelian ancestor only in the *Rhetoric*; (3) one *locus* echoes a strategy that only appears in the *Topics*; and (4) a few *loci* are not found in Aristotle's works on *topoi* but have a different origin that can be clearly explained. A synoptic analysis of these classifications, in the light of some key concepts developed in the previous sections, will point to the source behind Cicero's list.

⁶⁶ *Supra* 72ff.

4.3.2 Into the Essence

Some of the *loci* presented by Cicero echo *topoi* presented by Aristotle in both the *Topics* and the *Rhetoric*, namely:

Cicero's <i>locus</i>	Cicero's works	Aristotle's <i>Topics</i>	Aristotle's <i>Rhetoric</i> B 23
1 ⁶⁷ <i>Definitio</i>	<i>De Oratore</i> 2, 164–165 <i>Topica</i> 9	B 2, 109 b 30 – 110a 9	1398a 15–28
2 <i>Partitio/Partium enumeratio</i>	<i>De Oratore</i> 2, 165 <i>Topica</i> 10	B 4, 111a 33 – 111b 11	1398a 29–32 1399a 6–9
3 <i>Locus ex vocabulo/notatio</i>	<i>De Oratore</i> 2, 165–166 <i>Topica</i> 10	B 6, 112a 32 – 36	1400b 16–25
4 <i>Locus ex coniunctis/coniugatis</i>	<i>De Oratore</i> 2, 167 <i>Topica</i> 12	B 9, 114a 26 – 114b 5	1397a 20–23
7 <i>Locus ex/a similitudine</i> ⁶⁸	<i>De Oratore</i> 2, 168–169 <i>Topica</i> 15	E 7, 136b 33 – 137a 7	1399a 32 – 1399b 3 1398a 32 – 1398b 19
9 <i>Locus ex contrario</i> ⁶⁹	<i>De Oratore</i> 2, 169–170 <i>Topica</i> 17	B 7, 113a 20–23	1397a 7–19

⁶⁷ Numbers refer to the order of the *loci* in Cicero's list. For reason of brevity I only quote the Latin name of the *loci* as they are found in the *Topica*.

⁶⁸ It is worth noting that in *Topica* 42 Cicero considers 'induction' as one of the species of the *locus ex similitudine*: «There are arguments from similarity which reach their goal by means of several comparisons in the following way: if a guardian has to keep faith, if an associate, if someone whom you have entrusted with something if someone who has formally accepted responsibility, then an agent has to do the same. This procedure, which arrives at its aim from several instances, may be named induction, which in Greek is called *epagoge* [...] (*Haec ex pluribus perveniens quo vult appelletur inductio, quae Graece ἐπαγωγή nominatur*) [...] ». In the *Topics* Aristotle never speaks of induction as a *topos*. However, he does so in *Rhetoric* B 23, in 1398a 32 – 1398b 19.

⁶⁹ In discussing the *locus ex contrario* in *Topica* 47–49 Cicero illustrates the kinds of *contraria* which can be used. Here, he presents a fourfold partition of the *genera contrariorum* which resembles Aristotle's distinction of the four kinds of ἀντιθέσεις or ἀντικείμενα (see, for example, *Topics* B 7, 113b 151 – 114a 26 and, for their definitions, *Metaphysics* Δ 1018a 20 – 1018b 8). The four kinds are as follows: (1) the *adversa* (*Topica* 47: *quae in eodem genere plurimum differunt*) which are close to Aristotle's ἐναντία (*Metaphysics* Δ 1018a 27–29 τὰ πλείστον διαφέροντα τῶν ἐν τῷ αὐτῷ γένει). (2) The *privantia* (*Topica* 48: *Privantia licet appellemus Latine, Graeci appellunt στερητικά. praeposito enim 'in' privatur verbum ea vi, quam haberet, si, 'in' praepositum non fuisse*). Cicero's description of the *privantia* is metaphorical, yet the concept is close to Aristotle's idea of στέρσις καὶ ἔξις (*Metaphysics* Δ 1018a 29: τὰ πλείστον διαφέροντα τῶν ὑπὸ τὴν αὐτὴν δύναμιν). (3) The *quae cum aliquo conferuntur* (*Topica* 49: *ut duplum simplum, multa pauca, longum breve, maius minus*), which resemble Aristotle's τὰ πρὸς τι/τὰ πρὸς ἄλλα (*Metaphysics* Δ 1018a 28–29: τὰ πλείστον διαφέροντα τῶν ἐν ταῦτῳ δεικτικῷ). The use of the τὰ πρὸς ἄλλα is also specifically considered in *Rhetoric* B 23 (1397a 23 – 1397b 11), where Aristotle speaks of a τόπος ἐκ τῶν πρὸς ἄλλα. (4) The *negantia* (*Topica* 49: *illa valde contraria*) echo Aristotle's concept of ἀντίφασις (*Metaphysics* Δ 1018a 26–27: τὰ τε μὴ δυνατόν ἅμα τῷ αὐτῷ παρεῖναι τῶν διαφερόντων κατὰ γένος).

Cicero's <i>locus</i>	Cicero's works	Aristotle's <i>Topics</i>	Aristotle's <i>Rhetoric</i> B 23
13 <i>Locus ex/a repugnantibus</i>	<i>De Oratore</i> 2, 170 <i>Topica</i> 21	B 7, 113a 20–23	1400a 14–22
16 <i>Locus ex comp. maiorum</i>	<i>De oratore</i> 1, 173	B 10, 115a 6 – 8	1397b 12–15
17 <i>Locus ex comp. minorum</i>	<i>Topica</i> 24	B 10, 115a 8–9	1397b 15–17 ⁴
18 <i>Locus ex comp. parium</i>		B 10, 115a 17–22	1397b 18–27

An adequate analysis of the *loci* 1, 2, 3, 4, 7 and 9 is found in Reinhardt (2003, 200–228) and can be summarized as follows.

By closely resembling Aristotle *topos* from definition,⁷⁰ the *locus ex definitione* (*De Oratore* 2, 164–165 and *Topica* 9) teaches speakers how to argue by focusing on the definition of a term. Thus, on the basis of a definition of the ‘civil law’ as «equity put in place for the benefit of those who are (citizens) of the same state, for the purpose of securing the possession of what is theirs», Cicero argues that since this knowledge is useful, the science of the civil law is also useful (*eius autem aequitatis utilis cognitio est; utilis ergo est iuris civilis scientia*).⁷¹

As noted by Reinhardt (2003, 200), in this kind of arguments it is irrelevant whether the definition utilized is essentially adequate. Indeed, what matters most is that the definition must be accepted by the interlocutor.

Partitio (*De Oratore* 2, 165 and *Topica* 10), which has its ancestor in Aristotle's *Topics* B 4, 111a 33 – 111b 11 and *Rhetoric* B 23, 1398a 29–32 and B 23, 1399a 6–9, proposes a pattern of argumentation based on the part-whole division.⁷²

The *locus ex vocabulo* (*De Oratore* 2, 165–166 and *Topica* 10), an echo of what Aristotle presents in *Topics* B 6, 112a 32–36 and *Rhetoric* B 23, 1400b 16–25, plays on the use of etymology in argumentation.⁷³

In *De Oratore* 2, 167 and *Topica* 12, Cicero speaks about a *locus ex coniunctis* that bases the creation of an argument on the attribution of the same predicate to words of common origins.⁷⁴ Thus, for example, in *De Oratore* 2, 167 Cicero, by considering *pietas* and *pietas*-related actions as *coniuncta*, establishes that people «should be stirred at the sight of Quintus Metellus [the leading Roman politician] mourning so loyally» (*debetis moveri, cum Q. Metellum tam pie lugere videatis*) considering that «highest praise is due to loyalty» (*si pietati summa tribuenda laus est*).

By applying the *locus ex similitudine*, speakers argue upon reflecting on the similarities among things.⁷⁵ Aristotle illustrates *topoi* based on a proportion both

⁷⁰ *Supra* 74.

⁷¹ *Topica* 9.

⁷² *Supra* 88–89.

⁷³ *Supra* 122–123.

⁷⁴ See also in Aristotle's *Topics* B 8, 114a 26 – 114b 5 and *Rhetoric* B 23, 1397a 20–23, *supra* 25–26.

⁷⁵ *Supra* 123.

in the *Topics* (for example E 7, 136b 33 – 137a 7) and in *Rhetoric* B 23, 1399a 32 – 1399b 3.

The *locus ex contrario*, a strategy that is also found in both Aristotle's *Topics* B 7, 113a 20–23 and *Rhetoric* B 23, 1397a 7–19, is based on the principle of non-contradiction, according to which contrary items cannot belong to the same subject simultaneously, and to the principle that 'contraries follow contraries'.⁷⁶ Thus, in *Topica* 17, Cicero applies this strategy in order to argue that the usufruct of full wine and oil cellars left by a husband have not been bequeathed to his wife (*Non debet ea mulier ...cellis vinariis et oleariis plenis relictis, putare id ad se pertinere*). In Roman law the usufructuary was not allowed to destroy or change the character of the things (Jolowicz 1961, 282 and Buckland 1963, 271), the usufructuary only had the *usus* of things. The *abusus* (the consumption of a consumable good) was not allowed; it was considered by law as the contrary of the *usus*. The use of oil and wine would be an *abusus*. Thus, since the reason is that the husband has bequeathed the *usus* of his property, it follows that the *abusus* cannot be granted.

Below I shall pay special attention to the *locus ex/a repugnantibus* (13) and the three *loci ex comparatione* (16, 17, 18) whose parallelisms with some *topoi* of the *Topics* and the *Rhetoric* have not been sufficiently observed.

The passages where the *locus ex/a repugnantibus* is described read as follows:

«From contradictions, if we say something like Crassus once said as a young man: 'You may have defended Opimius, Carbo, but that will be no reason for these people on the jury to take you for a good citizen. It is obvious that you were pretending, and that you had ulterior motives, seeing that you were an accomplice in the murder of Scipio Africanus, that you proposed that law during your tribunate, and that you were always at odds with the good men'.» (*De Oratore* 2, 170–171)

«From incompatibles: if the head of a family bequeathed to his wife the usufruct of female servants as a right to be granted by the son but not explicitly by the secondary heir, the woman will not lose the right of usufruct after the death of the son. For what has once been granted to someone by a will cannot be taken away from the person to whom it was granted against the latter's wishes. For 'to receive lawfully' and 'to surrender against one's will' are incompatible (*Pugnat enim recte accipere et invitum reddere*).» (*Topica* 21)

The passage in *De Oratore* contains an argument delivered by the orator Crassus against Carbo, the orator who defended Opimius. Crassus argues that Carbo is not a *bonus civis* (*non [...] idcirco te isti bonum civem putabant*) and constructs the argument by means of a *topos* that Aristotle presents in both the *Topics* and the *Rhetoric*. The strategy suggests arguing by looking at contradictions, refuting the attribution of a predicate by showing that another predicate, which is incompatible with the first one, belongs to the subject.⁷⁷ In particular, Cicero's argument here is similar to that offered by Aristotle in the *Rhetoric*, namely:

⁷⁶ *Supra* 28.

⁷⁷ See *Topics* B 7, 113 a 20–23.

«Another is refutative, a matter of looking at contradictions (τὸ τὰ ἀνομολογούμενα σκοπεῖν) [in three separate ways]: once as applies only to the opponent (if something is contradicted by all dates, actions, and words), for example: “And he says he loves you, but he took the oath with the Thirty” [...]» (*Rhetoric* B 23, 1400a 14–18)

Aristotle advises speakers to argue by demonstrating contradictions in times, actions and words. In the example he quotes, an orator proves that a certain person is not a friend (that is in the democratic party) because he has committed an action that contradicts it, namely ‘conspiring with the Thirty’. In the argument of *De Oratore*, since Carbo has committed actions that are in contradiction with the predicate ‘to be a *bonus civis*’, Crassus provides evidence that, in defending Opimius, Carbo was only pretending to be good, and had ulterior motives – the predicate itself will not belong to Carbo.

As for the example in the *Topica*, Reinhardt (2003, 237) explains the context of the passage in detail:

«[...] the argument is that usufruct which was bequeathed by someone as to be granted by his heir will not cease if the primary heir dies and his successor, who was not explicitly mentioned in the first will as having to grant usufruct as well, receives possession of the goods whose usufruct is granted.»

Cicero establishes that the woman will not lose the usufruct of the maid-servants, by stating that the usufruct has been received by the wife by will, and therefore legally. Since in law the actions ‘to receive legally’, and ‘to surrender unwillingly’, are considered to be incompatible, when the former belongs to a subject, the latter cannot itself belong to the same subject.

Next, we should consider the three *loci ex comparatione maiorum, minorum* and *parium*, quoting the examples that Cicero gives in the *Topica*:

(a) «What holds in a wider sphere, should hold in a more restricted one (*Quod in re maiore valet valeat in minore*), e.g., if boundaries are not regulated in the city, neither should water be excluded in the city.» (*Topica* 23)

(b) «What holds in the more restricted sphere, should hold in the wider one (*Quod in minore valet, valeat in maiore*). Here one can use the same example in reverse.» (*Topica* 23)

(c) «What holds in the equivalent sphere, should hold as well in this case, which is equivalent (*Quod in re pari valet, valeat in hac quae par est*); e.g. because use and warranty of a piece of land run for two years, it should also be two years for a house. Yet in the law a house is not mentioned, and it is (evidently) treated as belonging with the category ‘all other things’ for which use is one year. Let equity prevail which requires equal rights for equal cases.» (*Topica* 23)

As rightly noted by Reinhardt (2003, 247), these *loci* ultimately derive from Aristotle’s *topos* from the greater, the less and the like degrees (τοῦ μᾶλλον καὶ ἥττον καὶ τοῦ ὁμοίως), a strategy discussed in both the *Topics* and the *Rhetoric*.⁷⁸

⁷⁸ *Supra* 27 and 75.

Yet Cicero's treatment of this *locus* is closer to that of Aristotle in the *Rhetoric* than to the *Topics*. First of all, in the *Topics*, unlike the *Rhetoric*, Aristotle's treatment of this *topos* is based on analysing propositions in terms of subjects and predicates. We thus find precepts playing on the degree to which predicates belong to subjects.⁷⁹ Also, in the *Topics* Aristotle discusses more patterns of arguments linked to this *topos* than he does in the *Rhetoric*. Cicero does not consider in either of his works the degree to which predicates belong to subjects, but uses the notions *maior/minor* in a vaguer sense and presents only the main patterns that we find in the *Rhetoric*.

In passage, (a) Cicero applies the *locus ex maiore*, apparently by arguing on the basis of a principle which is explicit in Aristotle's *Rhetoric*: "If something is not the fact in a case where it would be more [expected], it is clear that it is not a fact where it would be less" (*Rhetoric* B 23, 1397b 13–14). In Roman law, the *actio finium regundorum* (for settling the boundary between adjoining lands)⁸⁰ was more likely to be in force than the *actio aquae pluviae arcendae* (for excluding rainwater from borders).⁸¹ While in fact the *actio finium regundorum* was useful for decreeing where the boundary ran, and as such it was a mode of acquisition of land,⁸² the *actio aquae arcendae* was an old civil action enabling the defendant to claim compensation for damage to his land. By applying the *locus ex maiore* Cicero establishes that in the city there should be no action for excluding water since there is no action for what it is more common.

In passage (b) Cicero does not give an example to illustrate the *locus ex minore*. He simply recommends speakers to reverse the example presented in connection with the *locus ex maiore*. Thus, echoing the principle explicit in Aristotle's *Rhetoric* for which "If the lesser thing is true, the greater is also" (*Rhetoric* B 23, 1397b 15–16), Cicero claims that if an action that is less important, namely the *actio aquae pluviae arcendae*, is in force, the *actio finium regundorum* should also be in force.

Finally, in passage (c) Cicero illustrates a case concerning the attribution of the same rights to two things that are of equal importance. In Roman law, as Thomas explains:

«The one wholly private mode of acquisition *iure civili* was the unilateral *usucapio*, acquisition of *dominium* of a thing by possession of it for a specified period of time.»⁸³

⁷⁹ See, for example, *Topics* B 10, 115a 15–20: «You can derive material from the fact that a predicate belongs, or is generally regarded as belonging, in a like degree, in three ways [...] For, if one predicate belongs, or is generally regarded as belonging, to two subjects in a like degree, then, if it does not belong to the one, it does not belong to the other either, and, if it belongs to the one, it belongs to the other also.»

⁸⁰ See Thomas (1976, 165).

⁸¹ Jolowicz (1961, 158) and Buckland (1963, 597).

⁸² See Thomas (1976, 165).

⁸³ Thomas (1976, 157).

In Cicero's time, while there was a law stating that the possession of a farm should have been for two years (*usus auctoritas fundi biennium est*), the possession of a city house was not mentioned, and was included among the other things, the use of which runs for one year (*in lege aedes non appellantur et sunt ceterarum rerum omnium quarum annuus est usus*). Cicero pleads for a legal equalisation between a piece of land and a house and, by using the *locus ex comparatione parium*, for extending the law to cover the possession of houses. Again, the Aristotelian ancestor of this strategy is found in the *Rhetoric* B 23, 1397b 18–27, where Aristotle advises arguing by treating in the same way persons who have done similar things.

I now shall consider those *loci* that have a parallel only in Aristotle's *Rhetoric*:

	Cicero's <i>loci</i>	Cicero's works	Aristotle's <i>Rhetoric</i> B 23
10	<i>Locus ex consequentibus/ ab adiunctis</i>	<i>De Oratore</i> 2, 170 <i>Topica</i> 18	1399a 11–18
14	<i>Locus ab efficientibus rebus</i>	<i>De Oratore</i> 2, 170 <i>Topica</i> 22	1400a 29–35
19	<i>Loci (qui adsumuntur) extrinsecus</i>	<i>De Oratore</i> 2, 170 <i>Topica</i> 24	1388b 19 – 1399a 6

The *locus ab efficientibus rebus*, which has an ancestor in Aristotle's *Rhetoric* B 23, 1400a 29–35,⁸⁴ instructs on constructing arguments from the existence–non-existence of the cause to the existence non-existence of the effect. In the example presented in *Topica* 22, Cicero explains that, in his time, anyone had the «right to build a wall to touch a party wall at a right angle (*ius parietem directum ad parietem communem adiungere vel solidum vel fornicatum*)». In that case, a man who wanted to demolish the party wall was ordered to give security against damage to this wall. This stipulation was part of the so-called *cautio damni infecti*.⁸⁵ The *cautio* would have covered only damages caused by the fault of the man who demolished the party wall. That is to say, the cause of the effect 'to pay damages' was that the wall should have been damaged because of the fault of the man who demolished the party wall. In the passage Cicero applies the *locus ex causis* to establish generically in what cases men who are obliged by *cautio damni infecti* do not have to pay (*non debebit praestare*). He argues from the non-existence of the cause to the non-existence of the effect: when the cause does not subsist, that is, when the damage has been caused not by any fault of the man who demolished the party wall (*non eius vitio qui demolitus est damnum factum est*), but rather by a fault in the wall that touched the party wall (*eius operis vitio quod ita aedificatum est ut suspendi non posset*), the effect also does not subsist.

⁸⁴ *Supra* 79–80.

⁸⁵ See Thomas (1976) 111–112.

For the *loci* (*qui adsumuntur*) *extrinsecus* see my comments above,⁸⁶ along with Reinhardt (2003, 241–247). These type of *loci* has a parallel in Aristotle's *Rhetoric* B 23, 1398b 19 – 1399a 6.⁸⁷

The *locus ex consequentibus/ ab adiunctis* deserves special consideration, since the parallels with a strategy found in Aristotle's *Rhetoric* have not been adequately addressed. Let us investigate this strategy with the example that Cicero uses in the *Topica*:

«From concomitants an argument is derived as follows: if a woman has made a will who never underwent a 'curtailment of status', then the Praetor's edict does not seem to grant possession of the inheritance according to these tablets. For it will be a concomitant state of affairs (*Adiungetur enim*) that the Praetor's edict is held to grant possession according to the will of slaves, exiles, and the underaged.» (*Topica* 18)

In Cicero's time women could not make a will unless they had suffered *capitis deminutio* (the change of civil status), and so passed under a *tutor*. It could happen, however, that some women who had not suffered *capitis deminutio* nevertheless made wills. In the passage, Cicero argues against the possibility of giving legal validity to these wills and he constructs the argument by looking at what would probably follow (the consequent) from the legalisation of wills made by women who had not suffered *capitis deminutio*, namely that legal validity would be given also to the wills of slaves, exiles and children. Since this would hardly be admissible, the author concludes that the kind of will in question should not be valid.

This example shows that for Cicero an *adiunctum* is primarily a factual situation which might be consequent on another. Thus in *De Oratore*, the *locus* is said to be *ex consequentibus*, while in the *Topica*, as we shall see, the name *ex consequentibus* is given to another strategy focussed on considering facts that are necessarily linked as consequent on others.⁸⁸ In this light, the core of the *locus ex adiunctis* has a parallel in the *topos* from consequences found in *Rhetoric* B 23, 1399a 11–18 that, indeed, instructs one how to argue by considering possible consequences of certain actions.⁸⁹ In Cicero this *locus* is amplified in a rhetorical dimension, so as to include all the relevant evidence for supporting the conclusions. In particular, Cicero, echoing ideas presented in *De Inventione*, in the section about the 'attributes' specifies a list of things which speakers may take into consideration for acting in conjectural questions, that is when disputes are about facts (*De Inventione* I, 10):

⁸⁶ *Supra* 126–129.

⁸⁷ *Supra* 85–86.

⁸⁸ See *Topica* 53.

⁸⁹ In Aristotle's *Topics* we find a *topos* that instructs one how to argue by focusing on the relationship between propositions in terms of antecedents-consequents (see *supra* 21–23); this differs from the *Rhetoric*, where consequents are to be intended as facts that follow or derive from certain facts or actions.

«[...] this *locus* is more properly applicable to conjectural questions which come up in tribunals, when the question concerns present, past, or future fact, or what can happen at all [...] Matters antecedent to the event which are to be investigated are, for example: preparations, talks, a suitable place, an appointment, a banquet. Contemporaneous matters include: the tapping of feet, people shouting, the shadows of bodies, and what other things of that sort there may be. Subsequent matters include: paleness, a red face, staggering, and if there are any other signs of nervousness and bad conscience, further an extinguished fire, a sword with blood on it, and the other things which can raise a suspicion that something has been done.» (*Topica* 51–52)

It is in *De Oratore* where Cicero illustrates how to use this *locus* in the context of a conjecture. In the passage below, Cicero demonstrates that a certain man has killed one of his enemies by presenting factual evidence which seems to support the accusation:

«If he was killed with a sword, and you, his enemy were seized with a bloody sword on the very spot, and no one but you was seen there, and no one else had a motive, and you have always been reckless, can we feel any doubt about the crime?» (*De Oratore* 2,170)

Continuing my classification of the *loci*, two *loci* in Cicero's list echo principles concerning the relationship between genus and species that are used in Aristotle's *Topics* but not in the *Rhetoric*:⁹⁰

5	<i>Locus a genere</i>	<i>De Oratore</i> 2, 167–168 <i>Topica</i> 13	Aristotle's concepts of genus and species in the <i>Topics</i> , for example A 5, 102a 31ff. and B 4, 111a 14ff.
6	<i>Locus a forma generis</i>	<i>De Oratore</i> 2, 168 <i>Topica</i> 14	

As for the *locus a genere*, Cicero in *Topica* 13 establishes that, in a case of inheritance, the coin (the *pecunia numerata*) that is left in the house of a wife must be bequeathed to the wife herself. The reason is that all the silver has been bequeathed to the wife (*argentum omne mulieri legatum est*). The working of this strategy is close to that of the *topos* found Aristotle's *Topics* Δ 2, 122b 7–10, that suggests establishing or refuting the attribution of a genus to a subject, by showing that the definition of the genus belongs or does not belong to the subject. This strategy is based on the logical law stating that the definitions of the genera must also be predicated of the species, and of the things that partake of the species.⁹¹ Cicero establishes that *numerata pecunia* is *argentum* by claiming that the definition of *argentum* belongs to *pecunia* («[...] the species is never dissociated from the genus,

⁹⁰ Reinhardt (2003, 217–219).

⁹¹ *Topics* Δ 2, 122b 9–10: ἀνάγκη γὰρ τοὺς τῶν γενῶν λόγους κατηγορεῖσθαι τοῦ εἶδους καὶ τῶν μετεχόντων τοῦ εἶδους. Εἰ οὖν που διαφωνεῖ, δῆλον ὅτι οὐ γένος τὸ ἀποδοθέν.

as long as it retains its name»⁹² Once this proposition has been established, the argument develops as a categorical syllogism of the first figure.⁹³

As for the locus *a forma generis*, in the example presented in *Topica* 14 Cicero claims that no legacy was made to a wife called Fabia (*legatum ei non videtur*):

«If money was bequeathed to Fabia to be paid by her husband on the condition that she was *materfamilias* to that husband, nothing is owed to her if she had not come under his legal power. For the genus is 'wife' (*uxor*); of wife there are two species: one is that of the *matrumfamilias* (these are those who transferred into the power (sc. of the husband)), the other of those who are regarded as wives plain and simple. Since Fabia belonged to this latter species, nothing seems to have been bequeathed to her.»

This argument focuses on the concept of 'species' but drawn the inference by applying the *locus ex definitione*. In particular, Cicero shows that the predicate under investigation does not belong to the subject (*legatum ei non videtur*), because it is incompatible with the definition of the social status of the subject. The general issue, here, is whether the subject being examined is the right species or not. Fabia will inherit the sum of money on condition that she be *materfamilias*. The conclusion is established by defining the species of the genus *uxor*, so as to show that the *uxor* Fabia is not a member of the class '*materfamilias*' and, as such, does not have the requisites for inheriting the legacy (*qua in parte cum fuerit Fabia, legatum ei non videtur*).

Next, there are two *loci* that are found neither in Aristotle's *Topics* nor in the *Rhetoric* but are, however, 'counterparts' of two Ciceronian *loci* that have a parallel respectively in (a) the *Topics* and the *Rhetoric* and (b) only in *Rhetoric* B 23:

8	<i>Locus ex differentia</i>	<i>De Oratore</i> 2, 169 <i>Topica</i> 16	Counterpart of Cicero's <i>locus ex similitudine</i> (number 7) ⁹⁴
15	<i>Locus ab effectis</i>	<i>De Oratore</i> 2, 171–172 <i>Topica</i> 23	Counterpart of Cicero's <i>locus ab efficientibus rebus</i> (number 14) ⁹⁵

By 'being the counterpart of another *locus*' I mean that two *loci* play on the same inferential process (for example, cause–effect) by focusing, however, on it from opposite directions (for example, one *locus* instructs how to argue from the cause to the effect and the other *locus* from the effect to the cause). Indeed, as the above table shows, in Cicero's list the *locus* from difference (number 8) and that from effects (number 15) are presented closely to their counterparts.

⁹² *Topica* 13: *Quoniam argentum omne mulieri legatum est, non potest ea pecunia quae numerata domi relicta est non esse legata; forma enim a genere, quoad suum nomen retinet, numquam seiungitur [...].*

⁹³ *Topica* 13: [...] *numerata autem pecunia nomen argenti retinet; legata igitur videtur.*

⁹⁴ *Supra* 130.

⁹⁵ *Supra* 135.

For the analysis of *locus* 15, I refer the reader to Reinhardt's text (2003, 241–243) where he comments on the elliptical form of the example used by Cicero to state that the husband gets property of everything which belonged to a woman who has transferred into his power.⁹⁶

As for the *locus* from difference, Cicero himself states that 'difference' is the contrary of 'similarity' and that

«it is the task of one and the same faculty to find what is different and what is similar (*eiusdem dissimile et simile invenire*).» (*Topica* 46)

The strategy suggests arguing against a possible argument from analogy by differentiating the two things in question. It is thus useful for arguing cases concerning the attribution of the same predicate to two different subjects, as the two following examples show:

«From difference an argument is derived as follows: If a man bequeathed to his wife all the silver that was his, it does not follow that such silver has been bequeathed which is (merely) recorded as being out on loan. For it makes a great difference whether silver is kept in the strongbox or is recorded as out on loan in the account book (*Multum enim differt in arcane positum sit argentum an in tabulis debeatur*).» (*Topica* 16)

«While you can lawfully pay what you owe to a woman to the said woman without her guardian authorizing it, you cannot in the same way lawfully pay a male or female minor in the same circumstances. (*Non [...] recte possis eodem modo solvere*).» (*Topica* 46)

In the first passage Cicero shows that a man has not bequeathed to his wife what is owed to him by emphasising the difference between silver that is kept in the strongbox and that recorded as out on loan. As for the second passage, Jolowicz explains the law involved in this case:

«throughout the history of Roman law a child under the age of puberty needed a guardian and also at the time of the XII Tables (and for long afterwards) did a woman of any age who was *sui iuris*.⁹⁷ In these cases the guardian was called *tutor*.»⁹⁸

In Cicero's time the *tutela* of a woman started to become different from that of a child. As Cicero underlines in the above passage, it was possible to pay a debt owed to a woman without the authorisation of her tutor.⁹⁹ Since the subjects 'woman' and 'child' are different in several respects, Cicero applies the *locus ex differentia* to refute the extension of the same predicate, namely 'to be paid without the authorisation of a tutor'.

⁹⁶ *Topica* 23: *Cum mulier viro in manum convenit, omnia quae mulieris fuerunt viri fiunt dotis nomine*.

⁹⁷ That is in no family but her own.

⁹⁸ Jolowicz (1961, 120).

⁹⁹ See Buckland (1963, 167).

Finally, a word should be said on two *loci* that complete my analysis of Cicero's list in this section, namely:

12	<i>Locus ex consentaneis</i> <i>Locus ex consequentibus</i>	<i>De Oratore</i> 2, 170 <i>Topica</i> 19
11	<i>Locus ex praecurrentibus</i> <i>Locus ex antecedentibus</i>	<i>De Oratore</i> 2, 170 <i>Topica</i> 20

The above two *loci* have often been interpreted as evidence for a Stoic influence on Cicero's list, especially considering that in *Topica* 53–54 Cicero makes explicit reference to the five so-called *indemonstrables*, hypothetical syllogisms, as formulated by the Stoics.¹⁰⁰ Cicero himself says of these two strategies, together with the *locus ex repugnantibus*,¹⁰¹ that they are peculiar to dialecticians (*dialectici*), a term which Cicero uses to indicate the Stoic logicians.¹⁰²

I do not think that these indications necessarily point to a Stoic source behind Cicero's list. Indeed, I agree with Reinhardt (2003, 232ff.) that the source behind Cicero's list mentioned only two *loci*, that based on observing the 'consequence' (the *locus ex consequentibus*) and that based on observing 'conflict' (the *locus ex repugnantibus* described earlier). And, as I argue, both these *loci* have Aristotelian ancestors in *Rhetoric* B 23. The *locus ex antecedentibus* is likely to have been included by Cicero himself or his source. As Reinhardt says, the reason why Cicero mentions elements of Stoic logic is likely to be that he realised that arguments found with the help of the *loci* from antecedents, from consequents and from incompatibles were reducible to Stoic *indemonstrables*; it was his own decision to make this association.

To go into the details of the strategies, the *locus* from consequents is linked by Cicero himself to the *locus* from concomitants.¹⁰³ 'Concomitants' are said not to occur always, while 'consequents' do. In both cases the strategies involve observing states of affairs that follow on other states of affairs.¹⁰⁴ This echoes a precept found in *Rhetoric* B 23 where, however, there is no difference between necessary and non-necessary consequences. Furthermore, the *locus* from consequents instructs one how «to argue against a certain proposition by showing that a necessary condition for it does in fact not apply», while in applying the *locus* from antecedents, one has «to examine whether a sufficient condition for one's argumentative position is fulfilled. »¹⁰⁵

¹⁰⁰ See in particular Hubbell (1976, 422); Huby (1989, 67–68), Ripsati (1947, 116–129) and Reinhardt (2003, 305–320).

¹⁰¹ *Supra* 131.

¹⁰² See *Topica* 53 and 6.

¹⁰³ *Topica* 53.

¹⁰⁴ Reinhardt (2003, 310)

¹⁰⁵ Reinhardt (2003, 235 and 236), see also 232–237 for a detailed explanations of the examples where Cicero's applies the *locus ex consequentibus* and *ex antecedentibus*.

4.4 The Provenance of Cicero's List

The question concerning the nature of Cicero's *loci* and their relationship to Aristotle's *topoi* can now be answered in specific terms.

The first thing to clarify is the nature of Cicero's *loci*. As the above analysis has shown, both groups discussed – the *loci in eo ipso de quo agitur* and the *loci (qui adsumuntur) extrinsecus*¹⁰⁶ – are argument schemes. Yet they are schemes playing on different factors. While the *loci (qui adsumuntur) extrinsecus* are means of persuasion, ultimately based on authority, which exist independently of a speaker's invention, the *loci in eo ipso de quo agitur* are devices for properly constructing arguments by focusing either on the terms contained in the standpoint or on concepts (such as the genus, the contrary and so forth) relating to these terms. The nature of the latter group of *loci* can be further elucidated. These *loci* are not *topoi* in the special sense that Aristotle uses the term in the *Topics* but are closer to the way Aristotle presents the *topoi* in *Rhetoric* B 23. First of all, they do not give advice on constructing arguments by reflecting on the logical nature of the predicates contained in the standpoint. Also, Cicero does not focus on the *loci* by explicitly referring to the inferential rule (the 'law') and its application (the 'instruction') as Aristotle does in the *Topics*. In the majority of cases, he gives the name of the *locus* which points to the key element on which the argumentation plays, and gives examples of its application that, I believe, drive speakers to reconstruct intuitively the strategy of argumentation behind it. The factors just underlined lead me think that, despite the fact the several of Cicero's *loci* point to argument schemes that appear not only in *Rhetoric* B 23 but also in the *Topics*, his list derives from a selection of strategies from B 23.

But we can go further. It is possible to determine why only certain *topoi* of *Rhetoric* B 23 have been selected and, ultimately, what the inner relationship is between Aristotle's *topoi* and those *loci* that Cicero considers Aristotelian. Let us first recall two major ideas presented in the previous chapters. Aristotle in the *Topics* subdivided the *topoi* according to the four *predicables*. But he emphasises the importance of the 'most opportune' *topoi*, a group of strategies which can be useful to construct arguments involving any of the four *predicables*. In Chapter 2, I showed that precisely these *topoi* are the ones selected to be included in the list of *Rhetoric* B 23. Again, I have previously shown that Aristotle's real challenge while composing the *Topics* was to design strategies that, as he observes in the opening section of the *Topics*, can be used to discuss any subject-matter. Indeed 'universal applicability' is an essential characteristic that Aristotle specifies about his *topoi* also in *Rhetoric* A 2, 1358a 10ff., when stressing that these *topoi* are field-independent.¹⁰⁷

Now, many *topoi* of *Rhetoric* B 23 are not of universal applicability and, here, it looks as if Cicero's selection from B 23 is aimed at creating a list that would

¹⁰⁶ For the sake of brevity, the terminology adopted in this section is that of Cicero's *Topica*.

¹⁰⁷ *Supra* 40–42.

have been in closer agreement with what Aristotle emphasised as the fundamental characteristic of his *topoi*. More specifically, on the basis of the classification I have made in Chapter 2, Tables 4.1 and 4.2 demonstrate that the selection has been made of only those strategies of *Rhetoric* B 23 that are of high applicability, and that are not limited to rhetorical issues, namely categories I and II in the table in Chapter 2.¹⁰⁸

All the *topoi* of *Rhetoric* B 23 which are argument schemes of universal applicability have been selected by Cicero, including the *topos* from a previous judgement. Since, however, this *topos* does not focus on the terms contained in the standpoint or relating to it, it has been differentiated from the other *loci* in agreement with the Aristotelian distinction between artistic and non-artistic proofs.

Table 4.1 *Topoi* of *Rhetoric* B 23 of universal applicability

N ^o	Name	Reference	Type
1	<i>Topos</i> from opposites (ἐκ τῶν ἐναντίων)	<i>Rhetoric</i> B 23, 1397a 7–19; <i>Topics</i> B 8, 113b 27 – 114a 6	I
2	<i>Topos</i> from grammatical forms of the same word (ἐκ τῶν ὁμοίων πτώσεων)	<i>Rhetoric</i> B 23, 1397a 20–23; <i>Topics</i> B 8, 114a 26 – 114b 5	I
3	<i>Topos</i> from correlatives (ἐκ τῶν πρὸς ἄλληλα)	<i>Rhetoric</i> B 23, 1397a 23 – 1397b 11; <i>Topics</i> B 8, 114a 13–25	I
4	<i>Topos</i> from the more and the less (τοῦ μᾶλλον καὶ ἥττον)	<i>Rhetoric</i> B 23, 1397b 12–17 ^a ; <i>Topics</i> B 10, 114b 37 – 115a 14	I
5	<i>Topos</i> from the belonging on a similar degree (ἐκ τοῦ ὁμοίως ὑπάρχειν)	<i>Rhetoric</i> B 23, 1397b 18–27; <i>Topics</i> B 10, 115a 15–24	I
8	<i>Topos</i> from definition (ἐξ ὀρισμοῦ)	<i>Rhetoric</i> B 23, 1398a 15–28; <i>Topics</i> B 2, 109b 30 – 110a 9	I
10	<i>Topos</i> from division (ἐκ τοῦ διαίρεσεως)	<i>Rhetoric</i> B 23, 1398a 29–32; <i>Topics</i> B 4, 111a 33 – 111b 11	I
11	<i>Topos</i> from induction (ἐκ ἐπαγωγῆς)	<i>Rhetoric</i> B 23, 1398a 32 – 1398b 19	II
12	<i>Topos</i> from a [previous] judgement (ἐκ κρίσεως)	<i>Rhetoric</i> B 23, 1398b 19 – 1399a 6	II
13	<i>Topos</i> from the parts (ἐκ τῶν μερῶν)	<i>Rhetoric</i> B 23, 1399a 6–9; <i>Topics</i> B 4, 111a 33 – 111b 11	I
14	<i>Topos</i> from the consequence (1) (ἐκ τοῦ ἀκολουθοῦντος)	<i>Rhetoric</i> B 23, 1399a 11–18	II
15	<i>Topos</i> from the consequence (2) (ἐκ τοῦ ἀκολουθοῦντος)	<i>Rhetoric</i> B 23, 1399a 17–28	II
17	<i>Topos</i> from analogy (ἐκ τοῦ ἀνάλογον ταῦτα συμβαίνειν)	<i>Rhetoric</i> B 23, 1399a 32 – 1399b 4	I
23	<i>Topos</i> from looking at contradictions (τὸ τὰ ἀνομολογούμενα σκοπεῖν)	<i>Rhetoric</i> B 23, 1400a 14–22 and <i>Topics</i> B 7, 113a 20–23	I
25	<i>Topos</i> from the cause (ἀπὸ τοῦ αἰτίου)	<i>Rhetoric</i> B 23, 1400a 29–35	II
29	<i>Topos</i> from the meaning of a name (ἀπὸ τοῦ ὀνόματος)	<i>Rhetoric</i> B 23, 1400b 16–25	I

¹⁰⁸ *Supra* 74–75.

Table 4.2 *Topoi of Rhetoric B 23 in Cicero's list*

Aristotle's <i>Rhetoric</i> B 23		Cicero's <i>loci</i>	
N ^o	Name	N ^o	Name
1	<i>Topos</i> from opposites (ἐκ τῶν ἐναντίων)	9	<i>Locus ex contrario</i>
3	<i>Topos</i> from correlatives (ἐκ τῶν πρὸς ἄλληλα)		
2	<i>Topos</i> from grammatical forms of the same word (ἐκ τῶν ὁμοίων πτώσεων)	4	<i>Locus ex coniugatis</i>
4	<i>Topos</i> from the more and the less (τοῦ μᾶλλον καὶ ἥττον)	16	<i>Ex comparatione maiorum</i>
5	<i>Topos</i> from the belonging on a similar degree (ἐκ τοῦ ὁμοίως ὑπάρχειν)	17	<i>Ex cmparatione minorum</i>
8	<i>Topos</i> from definition (ἐξ ὀρισμοῦ)	18	<i>Ex comparatione parium</i>
10	<i>Topos</i> from division (ἐκ τοῦ διαιρέσεως)	1	<i>Definitio</i>
11	<i>Topos</i> from induction (ἐκ ἐπαγωγῆς)	2	<i>Partium enumeratio</i>
12	<i>Topos</i> from a [previous] judgement (ἐκ κρίσεως)	7	<i>Ex similitudine</i>
13	<i>Topos</i> from the parts (ἐκ τῶν μερῶν)	19	<i>Loci extrinseci</i>
14	<i>Topos</i> from the consequence (1) (ἐκ τοῦ ἀκολουθοῦντος)	8	<i>Partitio</i>
15	<i>Topos</i> from the consequence (2) (ἐκ τοῦ ἀκολουθοῦντος)	10	<i>Ex adiunctis</i>
17	<i>Topos</i> from analogy (ἐκ τοῦ ἀνάλογον ταῦτα συμβαίνειν)	7	<i>Ex similitudine</i>
23	<i>Topos</i> from looking at contradictions (τὸ τὰ ἀνομολογούμενα σκοπεῖν)	13	<i>Ex repugnantibus</i>
25	<i>Topos</i> from the cause (ἀπὸ τοῦ αἰτίου)	14	<i>Ex efficientibus rebus</i>
29	<i>Topos</i> from the meaning of a name (ἀπὸ τοῦ ὀνόματος)	3	<i>Notatio</i>

As Aristotle himself says, the core of the Aristotelian method consists in a set of strategies of a very abstract nature and which are subject-independent. This is the fundamentally Aristotelian aspect of his *topoi* which Cicero has taken over, as indeed he himself notes in *De Oratore*.¹⁰⁹

Cicero's list includes some additions to the selection from B 23. In particular, some *loci* have been expanded by the inclusion of their counterpart; a *locus* from the genus and one from the species have been added following Aristotelian echoes that were also present in the rhetorical tradition (as the list of *adtributa* in *De Inventione*, where we find the attributes 'genus' and 'species', testifies)¹¹⁰; the *locus* from consequents has been subdivided into necessary and non-necessary consequents (the *adiuncta*), with the later addition of the *locus* from antecedents that, again, functions as its counterpart. We are here dealing with additions that seem to have been made to render the list of *loci* reported by Cicero more systematic and complete. Cicero remarks that *all* arguments can be generated from one of his *loci*: by implication, the *loci* he proposes represent a complete enough system to construct any arguments

¹⁰⁹ *Supra* 116–117.

¹¹⁰ *De Inventione* I, 41. See *supra* 104–106.

(*domicilia omnium argumentarum*).¹¹¹ Indeed, Cicero's list includes additional argument schemes, such as the one from difference and the one from genus, that are widely used but are not found in *Rhetoric* B 23. What must be stressed is that Cicero's list appears to have been composed in a genuinely Aristotelian spirit. Contrary to the general scholarly opinion,¹¹² Cicero's *loci* do not come from an eclectic source, but embody and give expression to the system expounded by Aristotle.

Finally, some miscellaneous and more speculative issues can be tackled. Firstly, the fact that the list of *topoi* in *Rhetoric* B 23 has been revised so as to make it more Aristotelian appears to confirm the doubts raised in Chapter 2 about the list itself. Even granting that it was Aristotle who composed that list, its allocation to the *Rhetoric* is questionable.¹¹³ It might also be asked who made the selection from *Rhetoric* B 23, and when and where. Our paucity of evidence means that these questions cannot be answered with any confidence, though one may offer some suggestions. Clearly the person who designed Cicero's list (if it was indeed one person only who made the selection and composed the list) was well acquainted with Aristotle's theory of *topoi* and had a proper background in Aristotle's dialectics. Yet this selection appears to have been made to create a list suited for a rhetorical setting. Indeed, as stressed earlier, the way of presenting the *loci* is closer to that of Aristotle in the *Rhetoric* than in the *Topics*. Introducing the *topoi* as they occur in the *Rhetoric* would have made them more accessible to rhetoricians, many of whom would probably not have understood the formal framework and the abstract language of the *Topics* (the *Rhetoric* itself tells us that rhetoricians and orators in Aristotle's time received a primarily pragmatic training).

Based on this premise, I would like to conclude by proposing my own reconstruction of the sources used by Cicero. Cicero (as he implies in *De Oratore*) knew a book of Aristotelian rhetoric from which the list of *loci* he discusses comes from. I see here two possibilities. Either this book of rhetoric contained a list already selected and readapted from *Rhetoric* B 23, or it contained what we now have as *Rhetoric* B 23. If the first possibility is true, then someone else between Aristotle and Cicero was the author of the list. But there is no evidence to speculate at this point on the identity of this author. If the second possibility is true, then Cicero himself might be the author who rearranged *Rhetoric* B 23 in a way that made it closer to the general methodology of the *Topics*. Such rearrangement would have implied a very good knowledge of the *Topics*. A knowledge that Cicero could have well had since, as he declares, he had Aristotle's *Topics* in his Library.

¹¹¹ *De Oratore* 2, 152.

¹¹² *Supra* 124–126.

¹¹³ I plan to explore this question further elsewhere.

Conclusion

In this book I set out to clarify the nature and use of *topoi* as strategies of argumentation in Aristotle and Cicero. What follows is a concise summary of how this clarification was arrived at.

In Chapter 1, I explained how Aristotle in the *Topics* developed a system of *topoi* as argument schemes of universal applicability which is useful to establish or refute any proposition where a predicate is said to belong to a subject as one of the four *predicables* (*accident*, *property*, *genus* and *definition*). As I have claimed, the term *topos* was already known in pre-Aristotelian rhetoric with the general meaning of argument scheme and Aristotle, in an attempt to construct a method for students who had to argue in dialectical debates – where two disputants performing the roles of questioner and respondent would argue over a *problem* – developed his own specific kind of strategies. Such a specialization seems to have been encouraged by reflecting upon Socrates' cross-examination.

A *topos*, as it appears in the *Topics*, is a strategy of argumentation composed of two main parts: (1) an instruction and (2) a law. The instruction suggests speakers how to tackle the proposition under investigation from an abstract point of view in order to find an appropriate premise, and how to use this premise for establishing or refuting the proposition itself. The law is a principle that guarantees the reliability of the operations suggested by the instruction according to 11 classes of inference based on the definitions of the logical *predicables*, the ontological dimension, some criteria of sameness, similarity and difference, the terms ontologically related (coordinates and inflected forms), the definition of the terms of the proposition at stake, implications between propositions, oppositions (contradictories, contraries, relatives, privation or presence of states), the greater, lesser and the like degree, modal operators and quantifiers, *diarexis* (genus–species), semantics of terms and etymology. The fact that in the *Topics* Aristotle does not always state both the instruction and the law is unimportant, since the law is the basis for the construction of the argument, but to be of any use it must be developed through the inferential process suggested by the instruction. Aristotle adds some other notions to his explanation of a *topos*, that is its name in the “from” form that indicates the main concept on which the strategy plays; one or two examples of how to utilise the *topos* to construct arguments about specific subject-matters; the argumentative dimension for which the strategy is useful (for destructive and/or constructive purposes) and the

applicability requirements, that is an indication of when the application of a *topos* is conditional upon certain characteristics of the predicate or the subject contained in the proposition at stake.

As for the functioning of this type of *topoi*, I have made plain a central point which has been emphasized by Aristotle in several places, but has been neglected or misunderstood by scholars. Given the abstract nature of the Aristotelian *topoi*, Aristotle made it clear that in order to construct real-life arguments *topoi* must be applied by means of *protaseis*, the premises based on the contents of the particular disciplines: while the *topoi* provide speakers with inferential principles for bestowing logical validity on arguments in the form of hypothetical arguments, the propositions allow them to discuss the specificity of the case under investigation. Arguments ultimately derive from *protaseis* and it is the ability to find these *protaseis* that enables speakers to apply *topoi* and argue in actual cases. In the *Topics* Aristotle advises speakers on using those premises that are shared broadly by people, the *endoxa*, that as such are part of the topical potential to win a discussion. But Aristotle's concerns for the contents of arguments also appear in the section about the *organa* where, indeed, he sets up guidelines on how to obtain the *protaseis* needed, by collecting *endoxa*, recognising if a term has several senses, distinguishing the differences between concepts and examining similarity in things. Precisely the kind of *protaseis* selected for the application of the *topoi* determines the epistemological status of the arguments themselves: if the premises which speakers select are *endoxa*, the arguments will belong to dialectic or rhetoric. If however, speakers apply *topoi* by means of the established contents of a specific discipline, the argument will belong to that discipline itself.

In Chapter 2, I dealt with the way in which Aristotle uses the system of *topoi* developed in the *Topics*. The *topoi* were originally systematised to help speakers in dialectical debates. Yet, Aristotle claimed that the *Topics* is useful for other purposes, namely for casual conversations, the philosophical sciences and dialectical investigations. In particular, the method of the *Topics* has general usefulness in that it helps speakers see the multiple sides of an issue. Moreover, *topoi* can be used to test those *endoxa* needed for establishing the first principles of science: since these principles are the most basic of all the premises within a certain science they cannot be established within the framework of that science. Examples have been shown where Aristotle does use *topoi* in order to establish or refute *endoxa* which provide the starting points for the investigation of some principles of ethics and physics discussed respectively in the *Nicomachean Ethics* and the *Physics*. As for the use of *topoi* in casual conversations, I demonstrated that Aristotle introduced the dialectical *topoi* in the *Rhetoric* as part of his attempt to elevate the status of rhetoric to that of a proper technique. Having first discussed the extent of Aristotle's contribution to rhetoric and the relationship between rhetoric and dialectic within his framework of rational argumentation (by deduction and induction), the focus has shifted on the link between the *Topics* and the *Rhetoric* emphasized by Aristotle himself. Aristotle introduces the *topoi* of the *Topics* in *Rhetoric* A 2, 1358a 10ff., as part of his effort to teach orators how to construct enthymemes. As I have argued, in this passage Aristotle discusses the *topoi* in a way which is consistent with the treatment of the

topoi in the *Topics*. In light of this, the expression ‘specific topics’ (or *ῥῆδοι τόποι), which is not Aristotelian but appears in modern studies on the *Rhetoric* needs better contextualisation: in the *Rhetoric*, as well as in the *Topics*, Aristotle speaks of *topoi* and *protaseis* (characterised in the *Rhetoric* as *idia*). To apply *topoi* orators are advised to select the appropriate premises, although it is clear from the *Rhetoric* that premises alone can also be selected and work as major premises of arguments. It results from here that the method of argumentation presented in *Rhetoric* A 2, 1358a 10ff., presupposes a clear structural and functional distinction between the *topoi* as abstract argument schemes and the premises needed for their application and, more generally, for the construction of arguments. In dealing with the distinction between *topoi* as argument schemes and *idia* special emphasis was on the presence in the *Rhetoric* of a few random passages where Aristotle refers back to the propositions with the term *topoi*. I there explained how the term *topos* was already used in pre-Aristotelian rhetoric with the meaning of ‘subject-matter indicator’: a *topos* is, here, to be intended as the indication of a subject-matter that speakers might take into consideration for pleading their cases. This is a usage of *topos* that Aristotle seems to generally avoid but that, it is showed in Chapter 3, became very popular in the Roman context.

Having introduced the *topoi* of the *Topics* in *Rhetoric* A 2, 1358a 10ff., Aristotle inserts a list of 29 *topoi* in *Rhetoric* B 23 whose nature and role in the treatise is far from clear. As I argued, in B 23 Aristotle uses the term *topos* in a more general sense than that found in the *Topics* as well as in the previous sections of the *Rhetoric*. The *topoi* of *Rhetoric* B 23 are all strategies of argumentation, but next to a particular group of *topoi*, which are abstract argument schemes that also occur in the *Topics*, Aristotle lists three main other types of *topoi*: *topoi* that are not found in the *Topics* but are still of universal applicability; less abstract versions of the *topos* of the more and the less, to be used in rhetorical context only and *topoi* that focus mainly on interpersonal and emotional aspects of human relationships or on considerations valid in rhetorical contexts only. Understanding the function of this list in the context of the *Rhetoric* has given rise to difficulties: while *Rhetoric* B 23 could be taken away from the *Rhetoric* without compromising the understanding of the previous sections, if it is left in the treatise, it confuses and sometimes contradicts some of Aristotle’s ideas as presented in the earlier parts of the *Rhetoric*. In the conclusive section of Chapter 2, I made a case for the possibility that the *Rhetoric* B 23 was originally written independently from the previous sections of the *Rhetoric*.

In Chapter 3, the analysis turned to Cicero’s *loci*, starting from a focus on what a *locus* is in the contexts of Cicero’s early book titled *De Inventione*. I have first shown in what significant aspects Cicero’s theory of argumentation differs from the methodology designed by Aristotle, and how his approach to argumentation resembles the traditional pre-Aristotelian way of handling rhetoric. In the second part, the focus has been on Cicero’s different uses of the term *locus* with the meaning of ‘topic’ or ‘theme’ and with the technical meanings of ‘argument scheme’, ‘subject-matter indicator’, ‘argument’ and ‘*locus communis*’. As for the usage of *locus* as argument scheme, it was noted that, although in one passage Cicero does use the term *locus* with reference to an abstract argument scheme that we also find

in Aristotle's *Topics*, neither he seem to be aware of the fact that Aristotle dealt with this special kind of *topoi* nor he considers these *topoi* as particularly important. In *De Inventione* Cicero particularly concentrates on the idea of *locus* as subject-matter indicator, and gives a rather comprehensive list of them as *attributes*. Also, Cicero's interest in this treatise is on the *loci communes*, which essentially differ from the Aristotelian *topoi*: a *locus communis* is a ready-made argument. It does not guide the construction of an argument, but it can be transferable to several similar cases and has the main function of putting the audience in a favourable frame of mind.

It is only in *De Oratore* and *Topica* that Cicero discusses a list of *loci* which he attributes to Aristotle. In *De Oratore* the list is presented in a context that echoes ideas developed by Aristotle in the *Rhetoric*. In the *Topica* Cicero claims that he is fulfilling Trebatius' desire to understand the contents of «something called the 'Topics' of Aristotle» that Cicero had in his library. The list of *loci* discussed by Cicero is subdivided into two main groups: those that are generally said to be inherent in the nature of the subject under discussion and those that are brought in from without. The first category refers to those *loci* which inhere to one of the terms in question, while the other category generally refers to arguments from authority. Important aspects suggest that Cicero's list come from a selection from Aristotle's *Rhetoric* B 23. Firstly, Cicero does not seem to be aware of the nature and functioning of the *predicables* in Aristotle's *Topics* and, secondly, in most cases he does not focus on the *loci* by referring to the law and the instruction as, however, Aristotle is keen of doing in the *Topics*. Cicero's way of presenting the *loci* is closer to that of Aristotle in the *Rhetoric*, where main emphasis is put on the name of the *locus* and on the examples of its applications. But my claim has gone further than this. By juxtaposing Cicero's *loci* with those of Aristotle, especially those presented in *Rhetoric* B 23 according to the fourfold partition presented in Chapter 2, I have argued that Cicero's *loci* derives from a selection and some further rearrangement of only those argument schemes listed in *Rhetoric* B 23 that are of universal applicability. Within this framework, the selection at the origin of Cicero's list seems to have been made to preserve a characteristic of the *topoi* that Aristotle himself has stressed both in the beginning of the *Topics* and in *Rhetoric* A 2, 1358a ff., and that Cicero also underlines in *De Oratore* and the *Topica* when explaining that the *loci* are «*sedes et quasi domicilia omnium argumentorum*.» (*De Oratore* 2, 152).

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